

**Agenda****Environmental Protection  
Commission**

February 19, 1996

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

**Public Participation**

10:30 A.M.

**APPOINTMENT:** (Item #16)  
 Keith Owens  
 James Updegraff (Item #18a)

11:00 A.M.  
 2:00 P.M.

**Agenda topics**

- |   |                                  |
|---|----------------------------------|
| 1. Approve Agenda   |                                  |
| 2. Approve Minutes of January 16, 1996  |                                  |
| 3. Director's Report  | Larry Wilson (Information)       |
| 4. Monthly Financial Status Report and Budget Overview  | Stan Kuhn (Information)          |
| 5. By-Products and Waste Search Service (BAWSS)<br>Contract Approval  | Teresa Hay ( <b>Decision</b> )   |
| 6. Notice of Intended Action--Chapter 146, Household<br>Hazardous Materials Program                           | Teresa Hay ( <b>Decision</b> )   |
| 7. Landfill Alternatives Financial Assistance Program<br>Recipients   | Teresa Hay (Information)         |
| 8. Monthly Reports  | Allan Stokes (Information)       |
| 9. Small Business Assistance Update   | Allan Stokes (Information)       |
| 10. Title V Air Program Budget and Fees   | Allan Stokes (Information)       |
| 11. Notice of Intended Action--Chapter 22, Deferral of<br>Title V Fee Payment for Deferred Stationary Sources | Allan Stokes ( <b>Decision</b> ) |
| 12. Notice of Intended Action--Chapter 61, Water Quality<br>Standards - Stream Use Designations               | Allan Stokes ( <b>Decision</b> ) |
| 13. State Revolving Fund - Intended Use Plan, FY 96   | Allan Stokes ( <b>Decision</b> ) |
| 14. Final Rule--Chapter 61, Water Quality Standards -<br>COE Nationwide Permits for Single Family Housing     | Allan Stokes ( <b>Decision</b> ) |

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| 15. | Proposed Contested Case Decision--Jerry J. Smith and Norma S. Nelson | Allan Stokes ( <b>Decision</b> ) |
| 16. | Contested Case Decision Appeal--Owens and Owens Realty               | Allan Stokes ( <b>Decision</b> ) |
| 17. | Appeal of Declaratory Ruling--Donald E. Grell                        | Allan Stokes ( <b>Decision</b> ) |
| 18. | Referrals to the Attorney General                                    | Allan Stokes ( <b>Decision</b> ) |
|     | a) Postville Pork  |                                  |
|     | b) Union Pacific Railroad - Blue Chip Enterprises                    |                                  |
| 19. | Legislation Update   | Don Paulin (Information)         |
| 20. | General Discussion   |                                  |
| 21. | Address Items for Next Meeting                                       |                                  |

**Next  
Meeting  
Dates**

March 18, 1996

April 15, 1996

May 20, 1996

# ENVIRONMENTAL PROTECTION COMMISSION

Monday, February 19, 1996

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Scott Young  
Perry Beeman

Bryan Cave  
DM Register

KC  
DM

Kurt Hirschman

Citizen's Aide/Ombudsman

DSM

Keith M. Owsen

Owsen Owsen

WISCONSIN

Noel Manda

Monroe Table Co

Col/FAX

Robin J. Jettney

Middle American Energy

DM

STEVE GUTER

IES Industries

Cedar Rapids

Mark Trapant

IWRC

CF

Jane McAllister

Ankers Law Firm

DSM

Amy Christensen

Sullivan + Ward

DM

DAVE VEST

GROWMARK,

Bloomington, IL

Chris Hess

U.S. EPA

KC

Rick Kelley

UHL

DM

John Houghes

IWRC

CF

Melody Allen

Thompson Env.

W.D.M.

MARTHA MARTELL

IA AUTO DEALERS

WDM

ENVIRONMENTAL PROTECTION COMMISSION

Monday, February 19, 1996

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Patrick Lalley

Lee Newspapers

DM

John Eichelberger

Hintermeister, Knoernschild &  
Eichelberger

Muscatine

Ronald Winter



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EPC  
Minutes  
Feb.  
1996

MINUTES  
OF THE  
ENVIRONMENTAL PROTECTION COMMISSION  
MEETING

FEBRUARY 19, 1996

WALLACE STATE OFFICE BUILDING  
DES MOINES, IOWA

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson King at 10:00 a.m. on Monday, February 19, 1996, in the Wallace State Office Building, Des Moines, Iowa.

### MEMBERS PRESENT

Kathryn Draeger  
William Ehm  
Michael Fesler  
Rozanne King, Chair  
Charlotte Mohr, Secretary  
Kathryn Murphy  
Gary Priebe, Vice-Chair  
Terrance Townsend

### MEMBERS ABSENT

Verlon Britt

### ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment - Keith Owens (Item #16) 11:00 a.m.

*Motion was made by William Ehm to approve the agenda as amended. Seconded by Terrance Townsend. Motion carried unanimously.*

APPROVED AS AMENDED

### APPROVAL OF MINUTES

Michael Fesler noted that on page 57, the name Joe Leopold should be corrected to Bill Leopold.

*Motion was made by Charlotte Mohr to approve the meeting minutes of January 16, 1996, as amended. Seconded by William Ehm. Motion carried unanimously.*

APPROVED AS AMENDED

## **DIRECTOR'S REPORT**

Larry Wilson, Director, reviewed that in May 1995 the Commission asked the department to request the Governor to write EPA regarding the use of air permits for state use. He noted that the department received a letter from Dennis Grams, EPA, which allows that to happen and will free up \$580,000 for other uses.

Director Wilson reported that the REAP assemblies are taking place around the state and six meetings have already been held. Attendance is a little above the numbers in 1994. The assemblies will be completed by the end of March. He also gave an update on the Governor's Competitive Task Force.

Director Wilson distributed copies of a Waste Tire Management Fund bill proposal. He related that Don Paulin will cover details of the bill during his legislation item later in the day. Mr. Wilson explained that a five dollar registration charge per vehicle was previously going into the general fund and those funds would be diverted to the Waste Tire Management Fund in this bill.

## **FINANCIAL STATUS REPORT AND BUDGET OVERVIEW**

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Accompanying this item is the YTD January 31, 1996 division-level expenditure status report.

Staff will be present and will respond to questions regarding related fiscal matters.

The third part of the overview regarding the State's and DNR's accounting and budget system will be presented. This month's topic involves anticipated improvements to the State's budgeting processing generally known as Budgeting for Results (BFR).

(Division reports are shown on the following 4 pages)

## ENERGY &amp; GEOLOGICAL RESOURCES DIVISION

| EXPENSE CATEGORY | Actual FY95 | Budget FY96 | YTD Budget 1/31/96 | YTD Actual 1/31/96 | Under (Over) |
|------------------|-------------|-------------|--------------------|--------------------|--------------|
| PERS SERV        | 2,340,475   | 2,445,164   | 1,393,743          | 1,331,689          | 62,054       |
| PERS TRV IN      | 18,491      | 51,756      | 25,878             | 7,892              | 17,986       |
| STATE VEHICL     | 10,970      | 14,000      | 8,176              | 7,066              | 1,110        |
| DEPRECIATION     | 18,515      | 20,000      | 11,680             | 6,845              | 4,835        |
| PERS TRV OUT     | 47,982      | 68,787      | 34,394             | 24,997             | 9,397        |
| OFF SUPPLY       | 29,069      | 36,105      | 18,053             | 37,451             | (19,399)     |
| FAC MAINT SU     | 428         | 2,200       | 1,100              | 84                 | 1,016        |
| EQUIP MAINT      | 2,810       | 6,550       | 3,275              | 1,135              | 2,140        |
| PROF SUPPLY      | 1,048       | 3,280       | 1,640              | 329                | 1,311        |
| OTHER SUPPLY     | 29,162      | 61,561      | 30,781             | 10,758             | 20,023       |
| PRINT & BIND     | 33,907      | 48,300      | 24,150             | 8,049              | 16,101       |
| UNIFORMS         | 402         | 1,000       | 500                | 138                | 362          |
| COMMUNICATIO     | 39,280      | 46,428      | 23,214             | 19,474             | 3,740        |
| RENTALS          | 2,764       | 3,100       | 1,550              | 1,189              | 361          |
| UTILITIES        | 18,227      | 16,400      | 8,200              | 4,959              | 3,241        |
| PROF SERV        | 955,814     | 1,955,824   | 977,912            | 346,309            | 631,603      |
| OUTSIDE SERV     | 57,518      | 134,270     | 67,135             | 35,481             | 31,654       |
| ADVER PUB        | 624         | 1,000       | 500                | 707                | (207)        |
| DATA PROC        | 4,492       | 19,530      | 9,765              | 2,271              | 7,494        |
| REIMBURSEMENT    | 8,164       | 6,635       | 3,318              | 2,170              | 1,148        |
| EQUIPMENT        | 136,163     | 158,381     | 110,867            | 54,091             | 56,776       |
| OTHER EXP        | 5,408       | 4,742       | 2,371              | 14                 | 2,357        |
|                  | 3,761,713   | 5,105,013   | 2,758,200          | 1,903,098          | 855,102      |

Note: Most of budget "under" relates to the professional services category, primarily special projects or grants funded through earmarked or federal funds. This does not represent a General fund surplus.

## ENVIRONMENTAL PROTECTION DIVISION

| EXPENSE CATEGORY | Actual FY95 | Budget FY96 | YTD Budget 1/31/96 | YTD Actual 1/31/96 | Under (Over) |
|------------------|-------------|-------------|--------------------|--------------------|--------------|
| PERS SERV        | 8,177,148   | 9,556,812   | 5,447,383          | 4,890,216          | 557,167      |
| PERS TRV IN      | 55,513      | 130,807     | 65,404             | 27,634             | 37,770       |
| STATE VEHICL     | 42,519      | 52,500      | 30,660             | 24,353             | 6,307        |
| DEPRECIATION     | 56,720      | 76,500      | 44,676             | 32,665             | 12,011       |
| PERS TRV OUT     | 72,774      | 193,332     | 96,666             | 38,800             | 57,866       |
| OFF SUPPLY       | 98,251      | 127,557     | 63,779             | 66,611             | (2,833)      |
| FAC MAINT SU     | 3,133       | 4,300       | 2,150              | 2,008              | 142          |
| EQUIP MAINT      | 16,909      | 19,750      | 9,875              | 6,893              | 2,982        |
| PROF SUPPLY      | 0           | 1,250       | 625                | 0                  | 625          |
| OTHER SUPPLY     | 22,997      | 46,567      | 23,284             | 6,554              | 16,730       |
| PRINT & BIND     | 74,754      | 109,600     | 54,800             | 38,508             | 16,292       |
| UNIFORMS         | 4,773       | 7,600       | 3,800              | 3,201              | 599          |
| COMMUNICATIO     | 177,611     | 177,850     | 88,925             | 80,839             | 8,086        |
| RENTALS          | 87,694      | 119,500     | 59,750             | 59,493             | 257          |
| UTILITIES        | 18,207      | 24,811      | 12,406             | 10,699             | 1,707        |
| PROF SERV        | 2,667,560   | 6,716,468   | 3,358,234          | 1,525,443          | 1,832,791    |
| OUTSIDE SERV     | 87,877      | 91,446      | 45,723             | 32,965             | 12,758       |
| ADVER PUB        | 6,314       | 12,900      | 6,450              | 4,506              | 1,944        |
| DATA PROC        | 189,747     | 217,106     | 108,553            | 72,277             | 36,276       |
| REIMBURSEMENT    | 62,713      | 67,600      | 33,800             | 20,456             | 13,344       |
| EQUIPMENT        | 956,082     | 1,746,333   | 1,222,433          | 328,291            | 894,142      |
| OTHER EXP        | 15,213      | 12,720      | 6,360              | 0                  | 6,360        |
|                  | 12,894,509  | 19,513,309  | 10,785,734         | 7,272,412          | 3,513,322    |

Note: The DNR recently purchased \$1.5 million of imaging equipment and support for the Air program. This obligation is not reflected in the above "cash" basis statement.



## DIRECTOR'S OFFICE/I&amp;E BUREAU

| EXPENSE<br>CATEGORY | Actual<br>FY95 | Budget<br>FY96 | YTD Budget<br>1/31/96 | YTD Actual<br>1/31/96 | Under<br>(Over) |
|---------------------|----------------|----------------|-----------------------|-----------------------|-----------------|
| PERS SERV           | 1,004,589      | 1,038,827      | 592,131               | 544,242               | 47,889          |
| PERS TRV IN         | 41,546         | 54,282         | 27,141                | 15,795                | 11,346          |
| STATE VEHICL        | 4,535          | 7,431          | 4,340                 | 2,473                 | 1,867           |
| DEPRECIATION        | 7,860          | 12,640         | 7,382                 | 4,745                 | 2,637           |
| PERS TRV OUT        | 10,438         | 9,500          | 4,750                 | 6,137                 | (1,387)         |
| OFF SUPPLY          | 71,747         | 76,600         | 38,300                | 41,464                | (3,164)         |
| FAC MAINT SU        | 34             | 31,000         | 15,500                | 1,360                 | 14,140          |
| EQUIP MAINT         | 4,166          | 6,850          | 3,425                 | 1,486                 | 1,939           |
| OTHER SUPPLY        | 63,923         | 58,400         | 29,200                | 39,635                | (10,435)        |
| PRINT & BIND        | 259,174        | 325,944        | 162,972               | 35,359                | 127,613         |
| UNIFORMS            | 1,951          | 2,150          | 1,075                 | 556                   | 519             |
| COMMUNICATIO        | 28,986         | 25,800         | 12,900                | 12,809                | 91              |
| RENTALS             | 2,193          | 2,000          | 1,000                 | 943                   | 57              |
| UTILITIES           | 187            | 750            | 375                   | 74                    | 301             |
| PROF SERV           | 53,169         | 80,070         | 40,035                | 13,887                | 26,148          |
| OUTSIDE SERV        | 31,516         | 26,550         | 13,275                | 20,283                | (7,008)         |
| ADVER PUB           | 0              | 5,000          | 2,500                 | 0                     | 2,500           |
| DATA PROC           | 7,275          | 14,050         | 7,025                 | 1,918                 | 5,107           |
| REIMBURSEMENT       | 3,896          | 6,175          | 3,088                 | 136                   | 2,952           |
| EQUIPMENT           | 22,464         | 29,724         | 20,807                | 10,612                | 10,195          |
| OTHER EXP           | 124            | 2,600          | 1,300                 | 0                     | 1,300           |
|                     | 1,619,773      | 1,816,343      | 988,520               | 753,914               | 234,606         |

Note: Printing is "under" budget due to the DNR being late in paying for the first three issues of the Magazine.

## ADMINISTRATIVE SERVICES DIVISION

| EXPENSE<br>CATEGORY | Actual<br>FY95 | Budget<br>FY96 | YTD Budget<br>1/31/96 | YTD Actual<br>1/31/96 | Under<br>(Over) |
|---------------------|----------------|----------------|-----------------------|-----------------------|-----------------|
| PERS SERV           | 3,727,699      | 3,729,059      | 2,125,564             | 2,066,304             | 59,260          |
| PERS TRV IN         | 32,873         | 42,850         | 21,425                | 20,400                | 1,025           |
| STATE VEHICL        | 47,570         | 55,000         | 32,120                | 33,447                | (1,327)         |
| DEPRECIATION        | 68,730         | 75,500         | 44,092                | 40,700                | 3,392           |
| PERS TRV OUT        | 7,148          | 8,500          | 4,250                 | 6,034                 | (1,784)         |
| OFF SUPPLY          | 339,910        | 355,500        | 177,750               | 173,119               | 4,631           |
| FAC MAINT SU        | 2,020          | 16,000         | 8,000                 | 997                   | 7,003           |
| EQUIP MAINT         | 46,662         | 53,000         | 26,500                | 22,716                | 3,784           |
| OTHER SUPPLY        | 18,066         | 14,000         | 7,000                 | 6,537                 | 463             |
| PRINT & BIND        | 25,145         | 23,000         | 11,500                | 10,667                | 833             |
| UNIFORMS            | 6,031          | 2,500          | 1,250                 | 784                   | 466             |
| COMMUNICATIO        | 101,812        | 108,100        | 54,050                | 52,704                | 1,346           |
| RENTALS             | 184            | 500            | 250                   | 536                   | (286)           |
| UTILITIES           | 282            | 0              | 0                     | 0                     | 0               |
| PROF SERV           | 52,024         | 70,000         | 35,000                | 24,087                | 10,913          |
| OUTSIDE SERV        | 34,280         | 79,650         | 39,825                | 32,289                | 7,536           |
| ADVER PUB           | 934            | 500            | 250                   | 328                   | (78)            |
| DATA PROC           | 44,611         | 91,000         | 45,500                | 47,127                | (1,627)         |
| AUDITOR REIM        | 169,503        | 175,000        | 87,500                | 71,937                | 15,563          |
| REIMBURSEMENT       | 182,696        | 118,650        | 59,325                | 70,188                | (10,863)        |
| EQUIPMENT           | 199,462        | 169,500        | 118,650               | 118,867               | (217)           |
| OTHER EXP           | 8,484          | 8,658          | 4,329                 | 0                     | 4,329           |
| LICENSES            | 0              | 50             | 25                    | 0                     | 25              |
|                     | 5,116,126      | 5,196,517      | 2,904,155             | 2,799,768             | 104,387         |

## PARKS, PRESERVES AND RECREATION DIVISION

| EXPENSE CATEGORY | Actual FY95 | Budget FY96 | YTD Budget 1/31/96 | YTD Actual 1/31/96 | Under (Over) |
|------------------|-------------|-------------|--------------------|--------------------|--------------|
| PERS SERV        | 5,004,243   | 4,555,104   | 2,596,409          | 2,584,903          | 11,506       |
| SEASONAL HELP    | 1,509,834   | 1,298,094   | 791,837            | 799,243            | (7,406)      |
| PERS TRV IN      | 72,955      | 58,550      | 29,275             | 39,147             | (9,872)      |
| STATE VEHICL     | 213,209     | 200,460     | 117,069            | 126,640            | (9,571)      |
| DEPRECIATION     | 292,147     | 304,150     | 177,624            | 145,862            | 31,762       |
| PERS TRV OUT     | 4,357       | 7,585       | 3,793              | 3,673              | 120          |
| OFF SUPPLY       | 55,853      | 37,200      | 18,600             | 17,797             | 803          |
| FAC MAINT SU     | 517,700     | 570,409     | 285,205            | 317,123            | (31,919)     |
| EQUIP MAINT      | 363,110     | 312,298     | 156,149            | 216,100            | (59,951)     |
| AG CONS SUPP     | 55,354      | 34,035      | 17,018             | 17,601             | (584)        |
| OTHER SUPPLY     | 37,550      | 43,600      | 21,800             | 18,113             | 3,687        |
| PRINT & BIND     | 28,417      | 28,000      | 14,000             | 9,403              | 4,597        |
| UNIFORMS         | 37,322      | 34,077      | 17,039             | 28,848             | (11,810)     |
| COMMUNICATIO     | 97,981      | 105,250     | 52,625             | 50,807             | 1,818        |
| RENTALS          | 42,930      | 38,050      | 19,025             | 25,927             | (6,902)      |
| UTILITIES        | 440,884     | 423,200     | 211,600            | 257,097            | (45,497)     |
| PROF SERV        | 52,839      | 105,165     | 52,583             | 11,197             | 41,386       |
| OUTSIDE SERV     | 219,918     | 203,852     | 101,926            | 135,080            | (33,154)     |
| ADVER PUB        | 2,904       | 1,050       | 525                | 349                | 176          |
| DATA PROC        | 2,846       | 5,000       | 2,500              | 791                | 1,709        |
| REIMBURSEMENT    | 8,012       | 7,375       | 3,688              | 2,274              | 1,414        |
| EQUIPMENT        | 239,227     | 216,100     | 151,270            | 132,179            | 19,091       |
| OTHER EXP        | 52          | 2,700       | 1,350              | 118                | 1,232        |
| LICENSES         | 204         | 697         | 349                | 1,065              | (717)        |
|                  | 9,299,848   | 8,592,001   | 4,843,255          | 4,941,337          | (98,082)     |

## FORESTS AND FORESTRY DIVISION

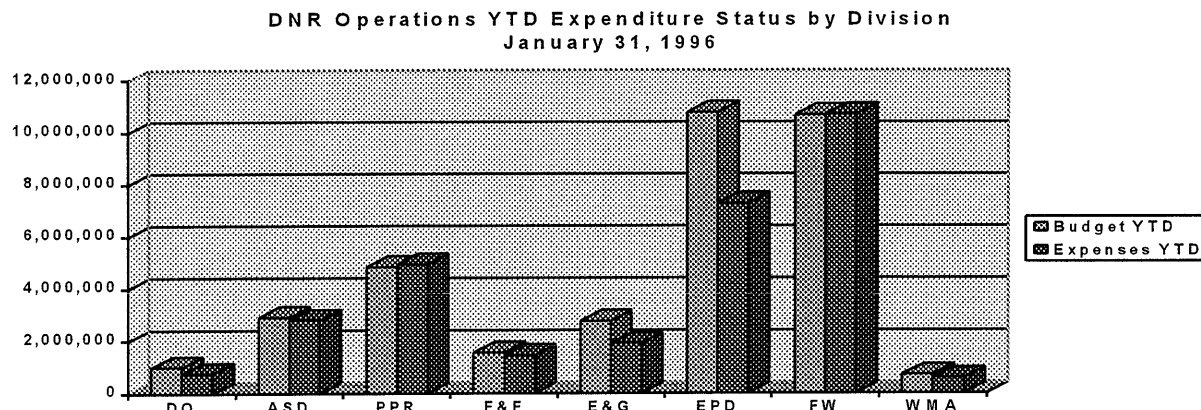
| EXPENSE CATEGORY | Actual FY95 | Budget FY96 | YTD Budget 1/31/96 | YTD Actual 1/31/96 | Under (Over) |
|------------------|-------------|-------------|--------------------|--------------------|--------------|
| PERS SERV        | 1,801,319   | 1,804,191   | 1,028,389          | 1,030,778          | (2,389)      |
| SEASONAL HELP    | 81,704      | 122,976     | 75,015             | 41,432             | 33,583       |
| PERS TRV IN      | 40,119      | 42,800      | 21,400             | 23,735             | (2,335)      |
| STATE VEHICL     | 66,145      | 86,500      | 50,516             | 42,381             | 8,135        |
| DEPRECIATION     | 133,805     | 138,500     | 80,884             | 69,540             | 11,344       |
| PERS TRV OUT     | 8,189       | 8,800       | 4,400              | 3,219              | 1,181        |
| OFF SUPPLY       | 27,792      | 25,870      | 12,935             | 12,731             | 204          |
| FAC MAINT SU     | 49,992      | 33,500      | 16,750             | 29,669             | (12,919)     |
| EQUIP MAINT      | 57,760      | 49,000      | 24,500             | 35,841             | (11,341)     |
| AG CONS SUPP     | 125,118     | 113,000     | 56,500             | 34,631             | 21,869       |
| OTHER SUPPLY     | 12,826      | 19,900      | 9,950              | 7,792              | 2,158        |
| PRINT & BIND     | 3,419       | 26,200      | 13,100             | 5,323              | 7,777        |
| UNIFORMS         | 13,640      | 14,300      | 7,150              | 2,034              | 5,116        |
| COMMUNICATIO     | 39,189      | 39,669      | 19,835             | 24,261             | (4,427)      |
| RENTALS          | 39,257      | 38,000      | 19,000             | 11,473             | 7,527        |
| UTILITIES        | 30,741      | 36,800      | 18,400             | 11,821             | 6,579        |
| PROF SERV        | 19,546      | 8,820       | 4,410              | 1,659              | 2,751        |
| OUTSIDE SERV     | 57,912      | 60,820      | 30,410             | 36,153             | (5,743)      |
| ADVER PUB        | 176         | 2,000       | 1,000              | 159                | 841          |
| DATA PROC        | 666         | 2,000       | 1,000              | 462                | 538          |
| REIMBURSEMENT    | 2,580       | 550         | 275                | 513                | (238)        |
| EQUIPMENT        | 140,782     | 71,861      | 50,303             | 28,638             | 21,665       |
| OTHER EXP        | 0           | 0           | 0                  | 11                 | (11)         |
|                  | 2,752,677   | 2,746,057   | 1,546,121          | 1,454,256          | 91,876       |

## FISH AND WILDLIFE DIVISION

| EXPENSE<br>CATEGORY | Actual<br>FY95 | Budget<br>FY96 | YTD Budget<br>1/31/96 | YTD Actual<br>1/31/96 | Under<br>(Over) |
|---------------------|----------------|----------------|-----------------------|-----------------------|-----------------|
| PERS SERV           | 12,485,277     | 12,227,973     | 6,969,945             | 7,082,843             | (112,898)       |
| SEASONAL HELP       | 785,126        | 802,414        | 489,473               | 452,097               | 37,376          |
| PERS TRV IN         | 371,415        | 355,522        | 177,761               | 172,261               | 5,500           |
| STATE VEHICL        | 540,298        | 506,700        | 295,913               | 302,731               | (6,818)         |
| DEPRECIATION        | 680,640        | 753,316        | 439,937               | 405,495               | 34,442          |
| PERS TRV OUT        | 33,831         | 48,400         | 24,200                | 19,866                | 4,334           |
| OFF SUPPLY          | 276,247        | 303,868        | 151,934               | 164,822               | (12,888)        |
| FAC MAINT SU        | 377,293        | 458,687        | 229,344               | 170,789               | 58,555          |
| EQUIP MAINT         | 451,909        | 350,636        | 175,318               | 270,799               | (95,481)        |
| PROF SUPPLY         | 0              | 10,000         | 5,000                 | 0                     | 5,000           |
| AG CONS SUPP        | 340,020        | 366,258        | 183,129               | 177,868               | 5,261           |
| OTHER SUPPLY        | 171,384        | 103,577        | 51,789                | 94,305                | (42,517)        |
| PRINT & BIND        | 218,479        | 283,625        | 141,813               | 255,414               | (113,602)       |
| UNIFORMS            | 161,845        | 132,575        | 66,288                | 41,087                | 25,201          |
| COMMUNICATIO        | 293,531        | 204,100        | 102,050               | 161,800               | (59,750)        |
| RENTALS             | 57,169         | 65,035         | 32,518                | 27,999                | 4,519           |
| UTILITIES           | 206,398        | 242,216        | 121,108               | 109,322               | 11,786          |
| PROF SERV           | 343,892        | 392,780        | 196,390               | 206,068               | (9,678)         |
| OUTSIDE SERV        | 185,806        | 170,362        | 85,181                | 52,535                | 32,646          |
| ADVER PUB           | 1,883          | 2,600          | 1,300                 | 1,975                 | (675)           |
| DATA PROC           | 74,037         | 64,000         | 32,000                | 53,850                | (21,850)        |
| REIMBURSEMENT       | 72,133         | 68,450         | 34,225                | 14,376                | 19,849          |
| EQUIPMENT           | 1,219,428      | 951,034        | 665,724               | 482,201               | 183,523         |
| OTHER EXP           | 44,003         | 34,353         | 17,177                | 2,835                 | 14,342          |
| LICENSES            | 1,053          | 300            | 150                   | 0                     | 150             |
|                     | 19,393,097     | 18,898,781     | 10,689,662            | 10,723,338            | (33,676)        |

## WASTE MANAGEMENT ASSISTANCE DIVISION

| EXPENSE<br>CATEGORY | Actual<br>FY95 | Budget<br>FY96 | YTD Budget<br>1/31/96 | YTD Actual<br>1/31/96 | Under<br>(Over) |
|---------------------|----------------|----------------|-----------------------|-----------------------|-----------------|
| PERS SERV           | 766,664        | 782,200        | 445,854               | 437,579               | 8,275           |
| PERS TRV IN         | 29,522         | 47,214         | 23,607                | 12,043                | 11,564          |
| PERS TRV OUT        | 23,060         | 39,165         | 19,583                | 13,243                | 6,340           |
| OFF SUPPLY          | 9,635          | 32,030         | 16,015                | 5,617                 | 10,398          |
| EQUIP MAINT         | 634            | 1,900          | 950                   | 839                   | 111             |
| OTHER SUPPLY        | 24,011         | 45,445         | 22,723                | 6,674                 | 16,049          |
| PRINT & BIND        | 30,863         | 61,258         | 30,629                | 25,757                | 4,872           |
| UNIFORMS            | 0              | 0              | 0                     | 28                    | (28)            |
| COMMUNICATIO        | 14,932         | 16,000         | 8,000                 | 7,413                 | 587             |
| RENTALS             | 691            | 800            | 400                   | 305                   | 95              |
| PROF SERV           | 75,578         | 123,897        | 61,949                | 10,365                | 51,584          |
| OUTSIDE SERV        | 7,480          | 9,886          | 4,943                 | 3,925                 | 1,018           |
| ADVER PUB           | 613            | 13,500         | 6,750                 | 2,179                 | 4,571           |
| DATA PROC           | 4,157          | 4,750          | 2,375                 | 1,022                 | 1,353           |
| REIMBURSEMENT       | 25,209         | 15,110         | 7,555                 | 11,582                | (4,027)         |
| EQUIPMENT           | 14,702         | 63,400         | 44,380                | 28516                 | 15,864          |
| OTHER EXP           | 5,796          | 6,650          | 4,655                 | 0                     | 4,655           |
|                     | 1,033,547      | 1,263,205      | 700,367               | 567,087               | 133,280         |



Mr. Kuhn reviewed the division reports noting that the Parks Division and Fish and Wildlife Division are creeping over budget. He indicated that by the end of the fiscal year the situation should be corrected.

Discussion took place regarding increased costs in certain EPD and Energy projects as compared to last fiscal year. Mr. Kuhn noted that he will provide more detail on the differences in costs from the 95 budget to the 96 budget at the next meeting.

Mr. Kuhn presented a continued overview on the budget process focusing on Budgeting for Results.

Brief discussion followed.

**INFORMATIONAL ONLY**

## **PUBLIC PARTICIPATION**

### **Scott Young and LaDon C. Jones**

Scott Young<sup>introduced</sup>, Brian Cave, and LaDon Jones, ISU, both members of the UST/TAC Committee updated the Commission on the status of HF 508. Mr. Young reviewed that the rules presented to the Commission in October have been taken out to public hearings in six regions of the state during December. He related that DNR staff and the UST/TAC committee have been working on the substantive comments. He indicated that the final rule should be ready to come before the Commission by the April meeting.

## **CONTESTED CASE DECISION APPEAL--OWENS AND OWENS REALTY**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On September 27, 1994, the department issued Administrative Order No. 94-UT-43 to Keith Owens and Howard Maurer. The Order was later amended to name Owens & Owens Realty, Inc. That action required the parties to conduct a site cleanup investigation and submit a report (SCR) within 180 days, and to pay an administrative penalty of \$3,100.00. That action was appealed by Keith Owens, and the matter proceeded to administrative hearing on August 3, 1995. The Administrative Law Judge issued the Proposed Findings of Fact, Conclusions of Law, and Order on October 5, 1995. The decision affirms the Order.

Owens & Owens Realty, Inc. has appealed this order to the Commission. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mr. Murphy briefed the Commission on this case requiring a site cleanup investigation.

#### **Appointment - Keith Owens**

Keith Owens, Owens & Owens Realty, stated that a trade fixture is personal property not included in the sale of real estate except by special agreement. He related that Howard Maurer sold real estate and all assets to Finley and Rita Mondia, and they subsequently transferred real estate to Owens & Owens Realty by assumption. He noted that the buildings and underground storage tanks were not purchased with the real estate as they were trade fixtures. Mr. Owens stated that he was told by someone in DNR that if the tanks were removed by 1/1/89, that was all that needed to be done. Mr. Owens stressed that there is a lot of confusion and changing of the rules in this case. He argued his case presenting details of disagreement with the department. He stated that Owens and Owens did not put a drop of contamination on the property and this is a classic example of an innocent purchaser situation. Mr. Owens indicated that existing DNR regulatory programs are not adequate to address the substantial public concern or the innocent landowner. In summation, he stated that Owens & Owens is an innocent landowner and they request all administrative assessments and penalties be dropped; that Owens and Owens becomes eligible for complete funding for a complete SCR report; and that a decision be made based on the facts, not on hearsay or conclusions.

Brief discussion followed

Dave Wornson, Compliance and Enforcement Bureau, summarized the facts noting that Howard Maurer owned the tanks from 1975 - 1985 and there was no proof of a release during that period of time. The subsequent owner, Finley Mondia, owned the property for about one year and then signed his contract interest to Owens Realty, Inc. Mr. Owens then removed the tanks without prior notice to the department, and there was no site investigation at that time to

determine if there was contamination. The site investigation did not take place until 1991 and the department then issued an AO to Mr. Maurer as he was the last registered tank owner. Owens Realty was issued an AO as the liable owner. Mr. Wornson stated that the ALJ found that the person who is the current owner is liable because he is in control of a hazardous substance, even though he is not the cause. He cited a Supreme Court case (Blue Chips) that finds that a current property owner, even though they may not have caused the introduction of the contaminant into the environment, can at least be responsible for a site investigation and assessment of contamination. He related that this is somewhat of a precedent setting decision because it establishes the fact that the UST law can be read to place liability on an innocent owner of a UST even though they may not have been the person who operated it for years. Mr. Wornson noted that the department has been working with Mr. Owens on eligibility for UST funds and has advised him how to proceed through that process. He related that staff told Mr. Owens they will not seek enforcement of the AO until RBCA rules are implemented, as there is a chance he can receive funds under the new innocent purchaser funds. Mr. Wornson stated that the ALJ decision correctly represents the state of the law in finding Owens responsible for compliance with the order to do an SCR, and he asked the Commission to uphold the ALJ decision.

A lengthy discussion took place regarding various aspects of the case including eligibility for funding, the average cost of an SCR, and possibly deferring the matter until RBCA rules are adopted.

Mr. Murphy noted that staff are asking for a ruling which upholds the concept that current owners are liable parties under both the tank law and the hazardous condition authority. Mr. Wornson related that there is a need to address what the law says and he asked the Commission to trust that staff will work with Mr. Owens to find a source for funding.

Charlotte Mohr asked if there is a time frame for the RBCA rules.

Director Wilson stated that the RBCA rules should come before the Commission at the April meeting

*Motion was made by Charlotte Mohr to affirm the decision of the Administrative Law Judge. Seconded by Kathryn Murphy.*

Michael Fesler asked if this is saying that a person can have full, useful services of a tank and then one day dismantle the place but leave the tank there, and subsequently the individual that buys it has the responsibility for everything the original owner has done.

Mr. Wornson stated that is not the case and he further explained that Mr. Maurer is still under an enforceable AO and is required to do an SCR.

Discussion followed regarding prior owner/operator responsibility.



*William Ehm moved to amend Commissioner Mohr's motion to add that the department be directed not to enforce the AO until the RBCA rules are adopted and the UST Fund Board has the opportunity to address the innocent owner issue. Seconded by Gary Priebe.*

Terrance Townsend asked how it will affect Mr. Owens appeal process.

Mr. Wornson stated that if Mr. Owens chooses to go to district court he has 30 days to file the appeal to district court. He added that if he appeals he should do it within 30 days of this decision. He related that the attorneys could agree to let it sit on appeal until the issue of fund eligibility is resolved.

Kathryn Murphy stated that she was under the assumption that the clarification stated in Commissioner Ehm's amendment was part of the original motion.

Charlotte Mohr indicated that was the intent of her motion.

*William Ehm withdrew his amendment and Commissioner Priebe concurred.*

*Chairperson King reviewed that Commissioner Mohr's motion is to affirm the decision of the Administrative Law Judge and that staff be directed not to enforce the Administrative Order until the RBCA rules are adopted and the UST Fund Board has the opportunity to address the innocent owner issue.*

*Vote on Commissioner Mohr's motion carried unanimously.*

**ALJ DECISION UPHELD WITH ADDED DIRECTIVES TO STAFF**

Gary Priebe commented that he received a copy of Iowa Farmers Today magazine which contained an article saying UST's on farms are not viewed as a hazard. It quoted Pat Rounds, from the UST Fund Board, as saying that farmers will not receive state money to clean up their leaky underground gas storage because the tanks are not regulated and do not seem to be a problem.

Director Wilson stated that the UST Fund Board decided to look at the numbers of UST's in Iowa, where they are located, and the amount of money that is available for correcting and cleaning up those problems and agreed to make their decisions based on priorities. He noted that it was a conscientious decision that depending on the amount of money available, those sites which posed the greatest threats to the environment and public safety would be on top of the priority list. He added that it does not mean there will never be money available for clean up sites for farms, but a lot of it will have to do with cost recovery, local settlements that are made with large industries in the state, and how much money ultimately gets into the fund. He reiterated that the UST Fund Board decided that the greatest problems with the greatest threats would be handled first.

Commissioner Priebe commented that if farmers are required to pay into the fund they should get back some money for clean up. He added that if they are not going to get any money for clean up, they should not be regulated.

Mr. Stokes stated that for farmers to be deregulated it would take a legislative change.

### **SMALL BUSINESS ASSISTANCE UPDATE**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Department has created, through contract with the University of Northern Iowa, a Small Business Compliance and Technical Assistance Program to provide small business owners/operators technical and compliance assistance in meeting their obligations under the federal Clean Air Act Amendments of 1990 (CAAA's).

The Department has also created a Small Business Ombudsman's function through contract with the Iowa Citizen Aide/Ombudsman's Office as required by the CAAA's.

Representatives of those two programs will be present to provide the Commission a briefing as to their activities to date and program plans for the future, and to answer questions from the Commission.

Mr. Stokes introduced John Konefes from the UNI Small Business Assistance Center.

#### **John Konefes**

John Konefes, Director of the Iowa Waste Reduction Center at UNI, stated that the IWRC has a contract with DNR to operate the Iowa Air Emissions Assistance Program. He noted that Mark Traponi, Neil Mann, and Martha Martell will further discuss the program.

#### **Mark Traponi**

Mark Traponi, Iowa Waste Reduction Center, distributed copies of their budget for 1995-96, a listing of their clients, a copy of the application packet for air permit applicants, and an outline of assistance they have provided under the Air Emissions Assistance Program. He noted that the majority of their time goes into detailed assistance. He explained details of their Construction Permit Assistance, Industry Specific Operating Permit Assistance, Permit by Rule Assistance, and Pollution Prevention Implementation.

**Neil Mann**

Neil Mann, General Manager - Monroe Company, Colfax, stated that he has a small business employing 40 FTEs and 5 part-time employees and he has been a client of the IWRC. He related that he contacted the IWRC in regard to hazardous waste handling for his company and IWRC helped him to get necessary permits. Mr. Mann indicated that without the help of the IWRC he would have had to spend a considerable amount of time and money to obtain a permit for a waterfall booth and other needed permits. He outlined future projects his company will pursue with the IWRC over the next several years.

**Martha Martell**

Martha Martell, Iowa Automobile Dealers Association, stated that she spoke before the Commission three years ago expressing frustration with air regulations for paint booths because the automobile dealers did not know how to do the paperwork, paint compositions, and related math. She reviewed that the department established a construction permit task force to deal with these issues and both DNR and IWRC participated. She related that as a result of the task force there is now a permit by rule and a large percentage of dealers are participating. Ms. Martell stated that the IWRC helped develop a computer program which has been a huge success in aiding the automobile dealers. She commended the IWRC and DNR for their help with this issue.

**Kristie Hirschman**

Kristie Hirschman, Citizens Aide/Ombudsman Office, stated that she began to work in the Ombudsman Office in November 1995 and she gave a detailed presentation of her duties and accomplishments in that position. She distributed a brochure explaining the Small Business Ombudsman Program with which she works. She noted that it is important for the air emissions staff and the Ombudsman staff to understand their customers and to motivate small businesses to comply with the Clean Air Act regulations. Ms. Hirschman stated that they chose a state public policy group to conduct focus groups of small businesses around the state and provide the Ombudsman's Office with an outreach plan by March 30, 1996. She noted that in her budget request for next year she has included money for expanded public relations and continued use of focus groups.

**BY-PRODUCTS AND WASTE SEARCH SERVICE (BAWSS) CONTRACT APPROVAL**

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The By-product and Waste Search Service program is funded with solid waste tonnage fees as established in Iowa Code 455B.310. This program facilitates waste exchanges from generator industries to other industries or recyclers that can use the waste material as a raw material. Since

the program inception in 1990, materials estimated at \$3 million dollars have been diverted at an approximate cost of \$10 per ton.

Applications for the grants were reviewed by representatives from the Department of Natural Resources, the Department of Economic Development, and the Iowa Waste Reduction Center. BAWSS funding from the tonnage fees plus an EPA grant have allowed the Department to fund and service all ten regions of the state. Five programs were selected that exceed \$25,000. Approval is requested for the following projects.

- 1) Kirkwood Community College \$126,000 for April 1, 1996 to June 30, 1998
- 2) Indian Hills Community College \$25,671 for April 1, 1996 to September 30, 1996;  
(EPA Funding) \$38,079 for October 1, 1996 to June 30, 1997
- 3) Iowa Northland Regional Council of Governments \$25,670 for May 1, 1996 to June 30, 1997
- 4) Iowa Western Community College \$27,812 for April 1, 1996 to June 30, 1997
- 5) Western Iowa Community College \$27,500 for April 1, 1996 to June 30, 1997

### **SCOPE OF WORK AND BUDGET**

#### **KIRKWOOD COMMUNITY COLLEGE FOR APRIL 1, 1996 TO JUNE 30, 1998**

#### **ARTICLE VI. SCOPE OF WORK**

The Contractor shall perform in a satisfactory and proper manner the work and services outlined by this agreement.

- 6.1 In order to successfully operate the waste exchange program and complete waste exchange activities in the regions funded through this Contract, the Contractor shall provide the following staffing: Brenda Narveson, full-time BAWSS representative and Stacy Johnson, full-time BAWSS representative and necessary administrative and support staff.
- 6.2 The primary service area for the Contractor shall include Marshall, Tama, Benton, Linn, Jones, Poweshiek, Iowa, Johnson, Cedar, and Washington counties. Stacy Johnson shall be responsible for coverage in Linn county and Brenda Narveson shall cover the other outlying counties.
- 6.3 The Contractor's activities shall include promoting the use of pollution prevention, waste reduction, reuse, recycling, and the waste exchange program to regional business and industry. These activities will include, but not be limited to, one-on-one education and interaction at business and industry sites, referrals to the IWRC and the Department's WRAP program and other appropriate programs.
- 6.4 The Contractor shall conduct active searches for generators and users of hazardous and non-hazardous materials which would otherwise be sent to landfills or kept in storage.

- 6.5 The Contractor shall use available resources to facilitate the matching of generators with users. This will include, but not be limited to , the following: identifying/communicating with those operating recycling or material collection or related industries; communicating with business and industry personnel with exemplary pollution prevention, waste reduction and recycling programs and educating all interested parties about the BAWSS program; using resources explained and/or provided through workshops and meetings.
- 6.6 The Contractor shall facilitate matches of materials between generators and users. This will include, but not be limited to, the following: through on-site visits and phone calls identify hazardous and non-hazardous materials purchased and/or being sent to landfills or other disposal sites by companies, and, encourage those companies to work with each other to transfer material.
- 6.7 The Contractor shall facilitate matches of hazardous materials whenever possible. If the Contractor has any questions on hazardous or potentially hazardous materials, IWRC staff should be consulted. The Contractor is not responsible for nor should he or she become involved in hazardous waste determinations or related work, such as giving regulatory advice.
- 6.8 The Contractor, working with the IWRC as appropriate, shall have each BAWSS representative strive to assist at least 10 companies with hazardous materials during the twenty-seven month program term and actively work to transfer those materials for appropriate reuse.
- 6.9 The Contractor shall strive to complete BAWSS initiated matches to transfer materials for reuse or recycling at a cost of \$50/ton or less.<sup>1</sup> (The Contractor's personal goal is to strive to divert waste from landfills at a diversion cost of \$20 per ton.)
- 6.10 The Contractor shall strive to have each BAWSS representative accomplish an average of 24 - 36 industry visits monthly during the term of this contract with an average of 2 1/2 days a week dedicated to on-site visits. Follow-up service must be provided as needed. The Contractor plans on making approximately 1000 follow-up calls annually. The Contractor shall strive to contact new companies every 15 to 30 days until the companies use the service or ask not to be contacted. The Contractor shall provide a BAWSS brochure to all known manufacturing companies in the region through on-site visits or by mailings.
- 6.11 A follow-up letter or report outlining meeting conclusions and documenting resource opportunities for the company will be provided to the business no later than ten working days after the contact.
- 6.12 The Contractor shall track and document all work (see "Reports and Other Documentation" Article VIII.). The Contractor shall strive to provide 337 new materials

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<sup>1</sup> This figure is calculated by dividing the total number of tons diverted into total grant dollars expended for the 27 month project.

to list, 187 materials transferred for reuse and recycling and 1,362 referrals made to identify potential markets.

- 6.13 The Contractor shall be required to keep detailed information about all new markets identified (see "Reports and Other Documentation" Article VIII). The Contractor shall strive to identify 28 new markets during the term of this contract. Before referring generators of potentially hazardous materials to a market (e.g., drum reconditioners, waste recyclers, brokers, and other businesses who have never been researched by IWRC as to their waste handling procedures) the Contractor shall be required to contact the IWRC.
- 6.14 The Contractor shall have each BAWSS representative write three one page case studies which can be used to publicize BAWSS. Studies will be due on a timely basis with quarterly reports (listed in the milestone section). (See Attachment B for content requirements.)
- 6.15 The Contractor shall adequately publicize BAWSS and explain its services and provide information on its successes. The Contractor shall strive to give 10 - 30 BAWSS presentations annually and/or sponsor one full day and two half-day workshops during the program term, targeting business clubs and organizations, business committees, and other appropriate audiences with relationships to business and industry. The Contractor shall strive to have a one-day workshop in the Cedar Rapids region, and a two half-day workshop in the Marshalltown region or a one-half day workshop determined by business and industry needs.
- 6.16 The Contractor shall be required to meet with and educate community officials and other interested parties such as economic development agencies, chambers of commerce, city and county government offices (including solid waste), and landfills about the need for pollution prevention, waste reduction, reuse and recycling and assist them in understanding the goals and benefits-- both environmentally and economically-- of BAWSS including its emphasis on the diversion of valuable non-hazardous and hazardous materials from landfills and other disposal sites. The primary objective is to secure support for the waste exchange and identify industry needs and accomplish diversion of materials from landfills and other disposal sites.
- 6.17 The Contractor shall work cooperatively with the Department, IWRC and all Contractors in the waste exchange program. This, in part, includes ongoing communication with all involved parties; participation by all Contractors (the regional representative from the region funded through the grant) in the training workshops, meetings, and telenets (conference calls); communication with IWRC staff for technical assistance and on a monthly basis through reports; and quarterly progress reports to the Department and the IWRC (see "Reports and Other Documentation" Article VIII).
- 6.18 During the contract term, the Contractor shall attend the Iowa Recycling Association (IRA) annual conference and at least one other IRA meeting or another state, regional or national conference approved by the DNR.



- 6.19 The Contractor shall provide training for other BAWSS representatives if requested and agreed upon by the Contractor and DNR.

**ATTACHMENT A  
KIRKWOOD COMMUNITY COLLEGE  
BUDGET FOR APRIL 1, 1996 - June 30, 1998**

| <b>Cost Description</b>  | <b>Grant Funds</b> | <b>Matching Funds</b> | <b>Total Expenses</b> |
|--|--------------------|-----------------------|-----------------------|
| <b>Personnel</b>   |                    |                       |                       |
| Salaries and Wages   | \$77,103           | \$24,570              | \$101,673             |
| Benefits and Fringes   | \$31,242           | \$10,292              | \$41,534              |
| <b>Travel</b>  |                    |                       |                       |
| In-state on-site visits, quarterly meetings, conferences, training | \$5,625            | \$2,250               | \$7,875               |
|  | \$4,275            | \$2,250               | \$6,525               |
| <b>Communication</b>   |                    |                       |                       |
| long-distance Charges  | \$1,125            | \$1,476               | \$2,601               |
| Postage  |                    | \$3,375               | \$3,375               |
| Advertising  |                    | \$3,375               | \$3,375               |
| <b>Professional Development</b>                                    |                    |                       |                       |
| Conferences  | \$1,125            | \$1,125               | \$2,250               |
| Subscriptions  | \$450              |                       | \$450                 |
| <b>Education/Training for Business</b>                             | \$4,500            | \$1,575               | \$6,075               |
| <b>Office Supplies</b>   | \$555              |                       | \$555                 |
| <b>Other</b>   |                    |                       |                       |
| Overhead   |                    | \$4,024               | \$4,024               |
| Indirect at 8%   |                    | <u>\$10,080</u>       | <u>\$10,080</u>       |
| <b>TOTAL</b>   | \$126,000          | \$64,392              | \$190,392             |

**SCOPE OF WORK AND BUDGET FOR INDIAN HILLS COMMUNITY COLLEGE**

**Scope of Work for Indian Hills for April 1, 1996 to September 30, 1996 (EPA funding)**

**ARTICLE VI. SCOPE OF WORK**

The Contractor shall perform in a satisfactory and proper manner the work and services outlined by this agreement.

- 6.1 In order to successfully operate the waste exchange program and complete waste exchange activities in the regions funded through this Contract, the Contractor shall provide the following staffing: one full-time representative, Gary Dill, and sufficient administrative and support staff.
- 6.2 The primary service area for the Contractor shall include Adair, Madison, Union, Ringgold, Warren, Clarke, Decatur, Marion, Lucas, Wayne, Mahaska, Monroe, Appanoose, Keokuk, Wapello, Davis, Jefferson, Van Buren, Henry, Des Moines, Lee, Washington, (lower South East area) and Louisa, (South half).
- 6.3 The Contractor's activities shall include promoting the use of pollution prevention, waste reduction, reuse, recycling, and the waste exchange program to regional business and industry. These activities **will include, but not be limited to,** one-on-one education and interaction at business and industry sites, referrals to the IWRC and the Department's WRAP program and other appropriate programs.
- 6.4 The Contractor shall conduct active searches for generators and users of hazardous and non-hazardous materials which would otherwise be sent to landfills or kept in storage.
- 6.5 The Contractor shall use available resources to facilitate the matching of generators with users. This will include, **but not be limited to**, the following: identifying/communicating with those operating recycling or material collection or related industries; communicating with business and industry personnel with exemplary pollution prevention, waste reduction and recycling programs and educating all interested parties about the BAWSS program; using resources explained and/or provided through workshops and meetings.
- 6.6 The Contractor shall facilitate matches of materials between generators and users. This **will include, but not be limited to,** the following: through on-site visits, identify hazardous and non-hazardous materials purchased and/or being sent to landfills or other disposal sites by companies, and encourage those companies to work with each other to transfer materials.
- 6.7 The Contractor shall facilitate matches of hazardous materials whenever possible. If the Contractor has any questions on hazardous or potentially hazardous materials, IWRC staff should be consulted. the Contractor shall refer all questions about hazardous or potentially hazardous materials to the staff at the IWRC. The Contractors **is not responsible for nor should he or she become involved in hazardous waste determinations** or related work, such as giving regulatory advice.
- 6.8 The Contractor, working with the IWRC as appropriate, shall strive to assist at least 4 companies with hazardous materials during the 6 month program term and actively work to transfer those materials for appropriate reuse.

- 6.9 The Contractor shall strive to complete BAWSS initiated matches to transfer materials for reuse or recycling at a cost of \$50/ton or less.<sup>2</sup> (The Contractor's personal goal is to strive to divert 2,000 tons of waste from landfills at a diversion cost of \$15 per ton.)
- 6.10 The Contractor shall strive to accomplish an average of 21 industry visits monthly during the term of this contract with a minimum of 2 to 3 days a week dedicated to on-site visits. Follow-up service must be provided as needed. (The Contractor shall strive to provide services to 12 companies who have never diverted materials before during this contract term.) A BAWSS brochure will be provided to companies in the region through on-site visits or by mailings.
- 6.11 A follow-up letter, fax, or phone call outlining meeting conclusions and documenting resource opportunities for the company will be provided to the business no later than ten working days after the contact.
- 6.12 The Contractor shall track and document all work (see "Reports and Other Documentation" Article VIII.).
- 6.13 The Contractor shall be required to keep detailed information about all new markets identified (see "Reports and Other Documentation" Article VIII). Before referring generators of potentially hazardous materials to a market (e.g., drum reconditioners, waste recyclers, brokers, and other businesses who have never been researched by IWRC as to their waste handling procedures) the Contractor shall be required to contact the IWRC.
- 6.14 The Contractor shall write a one page case study which can be used to publicize BAWSS. The study will be due on a timely basis as designated in the milestone section. (See Attachment B for content requirements.)
- 6.15 The Contractor shall adequately publicize BAWSS and explain its services and provide information on its successes. The Contractor shall strive to give 3 BAWSS presentations during the program term, targeting business clubs and organizations, existing business committees, state and local workshops and conferences, trade shows and other appropriate audiences with relationships to business and industry.
- 6.16 The Contractor shall be required to meet with and educate community officials and other interested parties such as economic development agencies, chambers of commerce, city and county government offices (including solid waste), and landfills about the need for pollution prevention, waste reduction, reuse and recycling and assist them in understanding the goals and benefits-- both environmentally and economically--f BAWSS including its emphasis on the diversion of valuable non-hazardous and hazardous materials from landfills and other disposal sites. The primary objective is to

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<sup>2</sup> This figure is calculated by dividing the total number of tons diverted into total grant dollars expended for the 6 month project.

secure support for the waste exchange and identify industry needs and accomplish diversion of materials from landfills and other disposal sites.

- 6.17 The Contractor shall work cooperatively with the Department, IWRC and all Contractors in the waste exchange program. This, in part, includes ongoing communication with all involved parties; participation by all Contractors (the regional representative from the region funded through the grant) in the training workshops, meetings, and telenets (conference calls); communication with IWRC staff for technical assistance and on a monthly basis through reports; and quarterly progress reports to the Department and the IWRC (see "Reports and Other Documentation" Article VIII).
- 6.18 During the contract term, the Contractor shall attend the Iowa Recycling Association (IRA) annual conference if it is within this contract term and at least one other IRA meeting or another state, regional or national conference approved by the DNR.
- 6.19 The Contractor shall assist with the training of BAWSS Representatives in other regions of the state if requested and agreed upon by the Contractor and the DNR.
- 6.20 During the contract term, the Contractor shall target energy production from non-recyclable waste materials as a special investigative project. Non-recyclable paper and wood as well as rubber and certain plastics are targets for this effort.

**ATTACHMENT A**  
**INDIAN HILLS COMMUNITY COLLEGE**  
**BUDGET FOR APRIL 1, 1996 TO SEPTEMBER 30, 1996**

| <b>Cost Description</b>  | <b>Grant Funds</b> | <b>Matching Funds</b> | <b>Total Expenses</b> |
|--|--------------------|-----------------------|-----------------------|
| <b>Personnel</b>   |                    |                       |                       |
| Salaries and Wages   | \$18,260           |                       | \$18,260              |
| Benefits and Fringes   | \$4,878            |                       | \$4,878               |
| Other Personnel Salary and Fringe                                  |                    | \$2,990               | \$2,990               |
| <b>Travel</b>  |                    |                       |                       |
| In-state on-site visits, quarterly meetings, conferences, training | \$1,952            |                       | \$1,952               |
| <b>Communication</b>   |                    |                       |                       |
| long-distance Charges  |                    | provided by college   |                       |
| Postage  |                    | provided by college   |                       |
| <b>Professional Development</b>                                    |                    |                       |                       |
| Quarterly Meetings   | \$50               |                       | \$50                  |
| Conferences  | \$180              |                       | \$180                 |

|                                 |          |          |          |
|---------------------------------|----------|----------|----------|
| Subscriptions                   | \$200    |          | \$200    |
| Education/Training for Business |          |          |          |
| Office Supplies                 | \$150.00 |          | \$150    |
| Other: Indirect Costs           |          | \$7,304  | \$7,304  |
| TOTAL                           | \$25,670 | \$10,294 | \$35,964 |

**Scope of Work and Budget For Indian Hill Community College  
For October 1, 1996 to June 30, 1997**

**ARTICLE VI. SCOPE OF WORK**

The Contractor shall perform in a satisfactory and proper manner the work and services outlined by this agreement.

- 6.1 In order to successfully operate the waste exchange program and complete waste exchange activities in the regions funded through this Contract, the Contractor shall provide the following staffing: one full-time representative, Gary Dill, and sufficient administrative and support staff.
- 6.2 The primary service area for the Contractor shall include Adair, Madison, Union, Ringgold, Warren, Clarke, Decatur, Marion, Lucas, Wayne, Mahaska, Monroe, Appanoose, Keokuk, Wapello, Davis, Jefferson, Van Buren, Henry, Des Moines, Lee, Washington, (lower South East area) and Louisa, (South half).
- 6.3 The Contractor's activities shall include promoting the use of pollution prevention, waste reduction, reuse, recycling, and the waste exchange program to regional business and industry. These activities **will include, but not be limited to,** one-on-one education and interaction at business and industry sites, referrals to the IWRC and the Department's WRAP program and other appropriate programs.
- 6.4 The Contractor shall conduct active searches for generators and users of hazardous and non-hazardous materials which would otherwise be sent to landfills or kept in storage.

- 6.5 The Contractor shall use available resources to facilitate the matching of generators with users. This will include, but not be limited to, the following: identifying/communicating with those operating recycling or material collection or related industries; communicating with business and industry personnel with exemplary pollution prevention, waste reduction and recycling programs and educating all interested parties about the BAWSS program; using resources explained and/or provided through workshops and meetings.
- 6.6 The Contractor shall facilitate matches of materials between generators and users. This will include, but not be limited to, the following: through on-site visits and telephone calls, identify hazardous and non-hazardous materials purchased and/or being sent to landfills or other disposal sites by companies, and encourage those companies to work with each other to transfer materials.
- 6.7 The Contractor shall facilitate matches of hazardous materials whenever possible. If the Contractor has any questions on hazardous or potentially hazardous materials, IWRC staff should be consulted. The Contractor is not responsible for nor should he or she become involved in hazardous waste determinations or related work, such as giving regulatory advice.
- 6.8 The Contractor, working with the IWRC as appropriate, shall strive to assist at least 6 companies with hazardous materials during the nine month program term and actively work to transfer those materials for appropriate reuse.
- 6.9 The Contractor shall strive to complete BAWSS initiated matches to transfer materials for reuse or recycling at a cost of \$50/ton or less.<sup>3</sup> (The Contractor's personal goal is to strive to divert 2,000 tons of waste from landfills at a diversion cost of \$15 per ton.)
- 6.10 The Contractor shall strive to accomplish an average of 21 industry visits monthly during the term of this contract with a minimum of 2 to 3 days a week dedicated to on-site visits. Follow-up service must be provided as needed. The Contractor shall strive to provide services to 30 companies who have never diverted materials before during this contract term. The Contractor will provide a BAWSS brochure to all companies in the region through on-site visits or by mailings.
- 6.11 A follow-up letter, fax, or phone call outlining meeting conclusions and documenting resource opportunities for the company will be provided to the business no later than ten working days after the contact.
- 6.12 The Contractor shall track and document all work (see "Reports and Other Documentation" Article VIII.).
- 6.13 The Contractor shall be required to keep detailed information about all new markets identified (see "Reports and Other Documentation" Article VIII). Before referring

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<sup>3</sup> This figure is calculated by dividing the total number of tons diverted into total grant dollars expended for the 9 month project.



generators of potentially hazardous materials to a market (e.g., drum reconditioners, waste recyclers, brokers, and other businesses who have never been researched by IWRC as to their waste handling procedures) the Contractor shall be required to contact the IWRC.

- 6.14 The Contractor shall write 2 one page case studies which can be used to publicize BAWSS. Studies will be due on a timely basis with quarterly reports. (See Attachment B for content requirements.)
- 6.15 The Contractor shall adequately publicize BAWSS and explain its services and provide information on its successes. The Contractor shall strive to give 4 BAWSS presentations and/or a workshop/seminar during the program term, targeting business clubs and organizations, business committees, and other appropriate audiences with relationships to business and industry.
- 6.16 The Contractor shall be required to meet with and educate community officials and other interested parties such as economic development agencies, chambers of commerce, city and county government offices (including solid waste), and landfills about the need for pollution prevention, waste reduction, reuse and recycling and assist them in understanding the goals and benefits-- both environmentally and economically-- BAWSS including its emphasis on the diversion of valuable non-hazardous and hazardous materials from landfills and other disposal sites. The primary objective is to secure support for the waste exchange and identify industry needs and accomplish diversion of materials from landfills and other disposal sites.
- 6.17 The Contractor shall work cooperatively with the Department, IWRC and all Contractors in the waste exchange program. This, in part, includes ongoing communication with all involved parties; participation by all Contractors (the regional representative from the region funded through the grant) in the training workshops, meetings, and telenets (conference calls); communication with IWRC staff for technical assistance and on a monthly basis through reports; and quarterly progress reports to the Department and the IWRC (see "Reports and Other Documentation" Article VIII).
- 6.18 During the contract term, the Contractor shall attend the Iowa Recycling Association (IRA) annual conference if it is within this contract term and at least one other IRA meeting or another state, regional or national conference approved by the DNR.
- 6.19 The Contractor shall assist with the training of BAWSS representatives in other regions of the state if request and agreed upon by the Contractor and the DNR.
- 6.20 During the contract term, the Contractor shall target energy production from non-recyclable waste materials as a special investigative project. Non-recyclable paper and wood as well as rubber and certain plastics are targets for this effort.

**ATTACHMENT A  
INDIAN HILLS COMMUNITY COLLEGE**

**BUDGET FOR OCTOBER 1, 1996 TO JUNE 30, 1997**

| <b>Cost Description</b>  | <b>Grant Funds</b> | <b>Matching Funds</b> | <b>Total Expenses</b> |
|--|--------------------|-----------------------|-----------------------|
| <b>Personnel</b>   |                    |                       |                       |
| Salaries and Wages   | \$28,122           |                       | \$28,122              |
| Benefits and Fringes   | \$7,414            |                       | \$7,414               |
| Other Personnel Salary and Fringe                                  |                    | \$8,970               | \$8,970               |
| <b>Travel</b>  |                    |                       |                       |
| In-state on-site visits, quarterly meetings, conferences, training | \$2,218            |                       | \$2,218               |
| <b>Communication</b>   |                    |                       |                       |
| long-distance Charges  |                    | provided by college   |                       |
| Postage  |                    | provided by college   |                       |
| <b>Professional Development</b>                                    |                    |                       |                       |
| Quarterly Meetings   | \$75               |                       | \$75                  |
| Conferences  | \$250              |                       | \$250                 |
| Subscriptions  |                    |                       |                       |
| <b>Education/Training for Business</b>                             |                    |                       |                       |
| <b>Office Supplies</b>   |                    |                       |                       |
| <b>Other: Indirect Costs</b>                                       |                    | \$8,436               | \$8,436               |
| <b>TOTAL</b>   | \$38,079           | \$17,406              | \$55,485              |

**SCOPE OF WORK FOR IOWA NORTHLAND REGIONAL COUNCIL OF  
GOVERNMENTS  
MAY 1, 1996 TO JUNE 30, 1997**

**ARTICLE VI. SCOPE OF WORK**

The Contractor shall perform in a satisfactory and proper manner the work and services outlined by this agreement.

- 6.1 In order to successfully operate the waste exchange program and complete waste exchange activities in the regions funded through this Contract, the Contractor shall provide the following staffing: one half-time BAWSS Representative and .10 FTE of support staff time.
- 6.2 The primary service area for the Contractor shall include Black Hawk, Bremer, Buchanan, Butler, Chickasaw, and Grundy Counties.
- 6.3 The Contractor's activities shall include promoting the use of pollution prevention, waste reduction, reuse, recycling, and the waste exchange program to regional business and industry. These activities **will include, but not be limited to,** one-on-one education and interaction at business and industry sites, referrals to the IWRC and the Department's WRAP program and other appropriate programs.
- 6.4 The Contractor shall conduct active searches for generators and users of hazardous and non-hazardous materials which would otherwise be sent to landfills or kept in storage.
- 6.5 The Contractor shall use available resources to facilitate the matching of generators with users. This will include, **but not be limited to**, the following: identifying/communicating with those operating recycling or material collection or related industries; communicating with business and industry personnel with exemplary pollution prevention, waste reduction and recycling programs and educating all interested parties about the BAWSS program; using resources explained and/or provided through workshops and meetings.
- 6.6 The Contractor shall facilitate matches of materials between generators and users. This **will include, but not be limited to,** the following: through on-site visits and telephone calls, identify hazardous and non-hazardous materials purchased and/or being sent to landfills or other disposal sites by companies and encourage those companies to work with each other to transfer material.
- 6.7 The Contractor shall facilitate matches of hazardous materials whenever possible. If the Contractor has any questions on hazardous or potentially hazardous materials, IWRC staff should be consulted. The Contractor is not responsible for nor should he or she become involved in hazardous waste determinations or related work, such as giving regulatory advice.
- 6.8 The Contractor, working with the IWRC as appropriate, shall strive to assist at least 5 companies with hazardous materials during the program term and actively work to transfer those materials for appropriate reuse.
- 6.9 The Contractor shall strive to complete BAWSS initiated matches to transfer materials for reuse or recycling at a cost of \$50/ton or less.<sup>4</sup>

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<sup>4</sup> This figure is calculated by dividing the total number of tons diverted into total grant dollars expended for the 14 month project.

- 6.10 The Contractor shall strive to accomplish an average of 12 industry visits monthly during the term of this contract with a minimum of 1 to 1 1/2 days a week dedicated to on-site visits. Follow-up service must be provided as needed. The Contractor shall provide a BAWSS brochure to all known 281 manufacturing companies in the region through on-site visits or by mailings.
- 6.11 A follow-up letter or report outlining meeting conclusions and documenting resource opportunities for the company will be provided to the business no later than ten working days after the contact.
- 6.12 The Contractor shall track and document all work (see "Reports and Other Documentation" Article VIII.).
- 6.13 The Contractor shall be required to keep detailed information about all new markets identified (see "Reports and Other Documentation" Article VIII). Before referring generators of potentially hazardous materials to a market (e.g., drum reconditioners, waste recyclers, brokers, and other businesses who have never been researched by IWRC as to their waste handling procedures) the Contractor shall be required to contact the IWRC.
- 6.14 The Contractor shall write a one page case study which can be used to publicize BAWSS. The study will be due with the third quarterly report as designated in the milestone section. (See Attachment B for content requirements.)
- 6.15 The Contractor shall adequately publicize BAWSS and explain its services and provide information on its successes. The Contractor shall strive to give 7 BAWSS presentations during the program term, targeting business clubs and organizations, business committees, and other appropriate audiences with relationships to business and industry.
- 6.16 The Contractor shall be required to meet with and educate community officials and other interested parties such as economic development agencies, chambers of commerce, city and county government offices (including solid waste), and landfills about the need for pollution prevention, waste reduction, reuse and recycling and assist them in understanding the goals and benefits-- both environmentally and economically--of BAWSS including its emphasis on the diversion of valuable non-hazardous and hazardous materials from landfills and other disposal sites. The primary objective is to secure support for the waste exchange and identify industry needs and accomplish diversion of materials from landfills and other disposal sites.
- 6.17 The Contractor shall work cooperatively with the Department, IWRC and all Contractors in the waste exchange program. This, in part, includes ongoing communication with all involved parties; participation by all Contractors (the regional representative from the region funded through the grant) in the training workshops, meetings, and telenets (conference calls); communication with IWRC staff for technical assistance and on a monthly basis through reports; and quarterly progress reports to the Department and the IWRC (see "Reports and Other Documentation" Article VIII).

- 6.18 During the contract term, the Contractor shall attend the Iowa Recycling Association (IRA) annual conference and at least one other IRA meeting. The Contractor shall strive to attend a regional or national conference with the approval of DNR.

**ATTACHMENT A**  
**IOWA NORTHLAND REGIONAL COUNCIL OF GOVERNMENTS**  
**BUDGET FOR MAY 1, 1996 TO JUNE 30, 1997**

| <b>Cost Description</b>                   | <b>Grant Funds</b> | <b>Matching Funds</b> | <b>Total Expenses</b> |
|---|--------------------|-----------------------|-----------------------|
| <b>Personnel</b>                          |                    |                       |                       |
| Salaries and Fringes                      | \$19,833           | \$9,100               | \$28,933              |
| <b>Travel</b>                             |                    |                       |                       |
| On-sites, quarterly meetings, conferences | \$2,450            |                       | \$2,450               |
| <b>Communication</b>                      |                    |                       |                       |
| Long distance charges & Postage           | \$805              |                       | \$805                 |
| <b>Professional Development</b>           |                    |                       |                       |
| Quarterly Meetings                        |                    |                       |                       |
| Conferences                               | \$400              |                       | \$400                 |
| Subscriptions                             |                    | \$235                 | \$235                 |
| <b>Education/Training for Business</b>    | \$600              |                       | \$600                 |
| <b>Office Supplies</b>                    |                    | \$235                 | \$235                 |
| <b>Other</b>                              |                    |                       |                       |
| Overhead                                  |                    |                       |                       |
| Equipment, space                          | <u>\$1,582</u>     | <u>\$2,430</u>        | <u>\$4,012</u>        |
| <b>TOTAL</b>                              | \$25,670           | \$12,000              | \$37,670              |

**IOWA WESTERN COMMUNITY COLLEGE**  
**SCOPE OF WORK AND BUDGET FOR APRIL 1, 1996 TO JUNE 30, 1997**

**ARTICLE VI. SCOPE OF WORK**

The Contractor shall perform in a satisfactory and proper manner the work and services outlined by this agreement.

- 6.1 In order to successfully operate the waste exchange program and complete waste exchange activities in the regions funded through this Contract, the Contractor shall provide the following staffing: a half-time BAWSS Representative and other necessary support staff.
- 6.2 The primary service area for the Contractor shall include Harrison, Shelby, Pottawattamie, Cass, Mills, Montgomery, Adams, Fremont, Page and Taylor counties.
- 6.3 The Contractor's activities shall include promoting the use of pollution prevention, waste reduction, reuse, recycling, and the waste exchange program to regional business and industry. These activities **will include, but not be limited to,** one-on-one education and interaction at business and industry sites, referrals to the IWRC and the Department's WRAP program and other appropriate programs.
- 6.4 The Contractor shall conduct active searches for generators and users of hazardous and non-hazardous materials which would otherwise be sent to landfills or kept in storage.
- 6.5 The Contractor shall use available resources to facilitate the matching of generators with users. This will include, **but not be limited to**, the following: identifying/communicating with those operating recycling or material collection or related industries; communicating with business and industry personnel with exemplary pollution prevention, waste reduction and recycling programs and educating all interested parties about the BAWSS program; using resources explained and/or provided through workshops and meetings.
- 6.6 The Contractor shall facilitate matches of materials between generators and users. This **will include, but not be limited to,** the following: through on-site visits and phone calls, identify hazardous and non-hazardous materials purchased and/or being sent to landfills or other disposal sites by companies and encourage those companies to work with each other to transfer material.
- 6.7 The Contractor shall facilitate matches of hazardous materials whenever possible. If the Contractor has any questions on hazardous or potentially hazardous materials, IWRC staff should be consulted. The Contractor is not responsible for nor should he or she become involved in hazardous waste determinations or related work, such as giving regulatory advice.
- 6.8 The Contractor, working with the IWRC as appropriate, shall strive to assist at least 5 companies with hazardous materials during the program term and actively work to transfer those materials for appropriate reuse.
- 6.9 The Contractor shall strive to complete BAWSS initiated matches to transfer materials for reuse or recycling at a cost of \$50/ton or less.<sup>5</sup>
- 6.10 The Contractor shall strive to accomplish an average of 12 industry visits monthly during the term of this contract with a minimum of 1 to 1 1/2 days a week dedicated to on-site visits. Follow-up service must be provided as needed. The Contractor will provide a BAWSS brochure to all known 231 manufacturing companies in the region through on-site visits or by mailings.

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<sup>5</sup> This figure is calculated by dividing the total number of tons diverted into total grant dollars expended for the 15 month project.

- 6.11 A follow-up letter or report outlining meeting conclusions and documenting resource opportunities for the company will be provided to the business no later than ten working days after the contact.
- 6.12 The Contractor shall track and document all work (see "Reports and Other Documentation" Article VIII.).
- 6.13 The Contractor shall be required to keep detailed information about all new markets identified (see "Reports and Other Documentation" Article VIII). Before referring generators of potentially hazardous materials to a market (e.g., drum reconditioners, waste recyclers, brokers, and other businesses who have never been researched by IWRC as to their waste handling prodders) the Contractor shall be required to contact the IWRC.
- 6.14 The Contractor shall write a one page case study to be submitted with the fourth quarterly report which can be used to publicize BAWSS. (See Attachment B for content requirements.)
- 6.15 The Contractor shall adequately publicize BAWSS and explain its services and provide information on its successes. The Contractor shall strive to give 7 BAWSS presentations during the program term and/or sponsor a workshop targeting business clubs and organizations, business committees and other appropriate audiences with relationships to business and industry.
- 6.16 The Contractor shall be required to meet with and educate community officials and other interested parties such as economic development agencies, chambers of commerce, city and county government offices (including solid waste), and landfills about the need for pollution prevention, waste reduction, reuse and recycling and assist them in understanding the goals and benefits-- both environmentally and economically of BAWSS-- including its emphasis on the diversion of valuable non-hazardous and hazardous materials from landfills and other disposal sites. The primary objective is to secure support for the waste exchange and identify industry needs and accomplish diversion of materials from landfills and other disposal sites.
- 6.17 The Contractor shall work cooperatively with the Department, IWRC and all Contractors in the waste exchange program. This, in part, includes ongoing communication with all involved parties; participation by all Contractors (the regional representative from the region funded through the grant) in the training workshops, meetings, and telenets (conference calls); communication with IWRC staff for technical assistance and on a monthly basis through reports; and quarterly progress reports to the Department and the IWRC (see "Reports and Other Documentation" Article VIII).
- 6.18 During the contract term, the Contractor shall attend the Iowa Recycling Association (IRA) annual conference and at least one other IRA meeting. The Contractor shall strive to attend a regional or national conference with the approval of DNR.

**ATTACHMENT A**  
**IOWA WESTERN COMMUNITY COLLEGE**  
**BUDGET FOR APRIL 1, 1996 TO JUNE 30, 1997**

| Cost Description | Grant Funds | Matching Funds | Total Expenses |
|------------------|-------------|----------------|----------------|
|------------------|-------------|----------------|----------------|

|   |          |          |          |
|---|----------|----------|----------|
| <b>Personnel</b>                          |          |          |          |
| Salaries and Fringes                      | \$20,118 | \$15,530 | \$35,648 |
| <b>Travel</b>                             |          |          |          |
| On-sites, quarterly meetings, conferences | \$5,305  |          | \$5,305  |
| <b>Communication</b>                      |          |          |          |
| long-distance Charges                     | \$1,059  |          | \$1,059  |
| Postage                                   | \$250    |          | \$250    |
| <b>Professional Development</b>           |          |          |          |
| Quarterly Meetings                        | \$300    |          | \$300    |
| Conferences                               | \$450    |          | \$450    |
| Subscriptions                             | \$150    |          | \$150    |
| <b>Education/Training for Business</b>    |          | \$441    | \$441    |
| <b>Office Supplies</b>                    |          | \$180    | \$265    |
| <b>Other</b>                              |          |          |          |
| Overhead                                  |          | \$2,206  | \$2,206  |
| <b>TOTAL</b>                              | \$27,812 | \$18,442 | \$46,254 |

## SCOPE OF WORK AND BUDGET FOR WESTERN IOWA TECH COMMUNITY COLLEGE

### ARTICLE VI. SCOPE OF WORK

The Contractor shall perform in a satisfactory and proper manner the work and services outlined by this agreement.

- 6.1 In order to successfully operate the waste exchange program and complete waste exchange activities in the regions funded through this Contract, the Contractor shall provide the following staffing: a half-time BAWSS representative, to be named, and other necessary support personnel.
- 6.2 The primary service area for the Contractor shall include Woodbury, Plymouth, Monona, Lyon, Osceola, Sioux, O'Brien, Cherokee and Ida Counties



- 6.3 The Contractor's activities shall include promoting the use of pollution prevention, waste reduction, reuse, recycling, and the waste exchange program to regional business and industry. These activities **will include, but not be limited to,** one-on-one education and interaction at business and industry sites, referrals to the IWRC and the Department's WRAP program and other appropriate programs.
- 6.4 The Contractor shall conduct active searches for generators and users of hazardous and non-hazardous materials which would otherwise be sent to landfills or kept in storage.
- 6.5 The Contractor shall use available resources to facilitate the matching of generators with users. This will include, **but not be limited to**, the following: identifying/communicating with those operating recycling or material collection or related industries; communicating with business and industry personnel with exemplary pollution prevention, waste reduction and recycling programs and educating all interested parties about the BAWSS program; using resources explained and/or provided through workshops and meetings.
- 6.6 The Contractor shall facilitate matches of materials between generators and users. This **will include, but not be limited to,** the following: through on-site visits, identify hazardous and non-hazardous materials purchased and/or being sent to landfills or other disposal sites by companies, and encourage those companies to work with each other to transfer material; and through phone calls to users, recyclers and generators of hazardous and non-hazardous materials to encourage them to work with each other to transfer material.
- 6.7 The Contractor shall facilitate matches of hazardous materials whenever possible. If the Contractor has any questions on hazardous or potentially hazardous materials, IWRC staff should be consulted. the Contractor shall refer all questions about hazardous or potentially hazardous materials to the staff at the IWRC. The Contractors is not responsible for nor should they become involved in hazardous waste determinations or related work, such as giving regulatory advice.
- 6.8 The Contractor, working with the IWRC as appropriate, shall strive to assist at least 5 companies with hazardous materials during the program term and actively work to transfer those materials for appropriate reuse.
- 6.9 The Contractor shall strive to complete BAWSS initiated matches to transfer materials for reuse or recycling at a cost of \$50/ton or less.<sup>6</sup>
- 6.10 The Contractor shall strive to accomplish an average of 12 industry visits monthly during the term of this contract with a minimum of 1 to 1 1/2 days a week dedicated to on-site visits. Follow-up service will be provided as needed. A BAWSS brochure will be

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<sup>6</sup> This figure is calculated by dividing the total number of tons diverted into total grant dollars expended for the 15 month project.

provided to all known 309 manufacturing companies in the region through on-site visits or by mailings.

- 6.11 A follow-up letter or report outlining meeting conclusions and documenting resource opportunities for the company will be provided to the business no later than ten working days after the contact.
- 6.12 The Contractor shall track and document all work (see "Reports and Other Documentation" Article VIII.).
- 6.13 The Contractor shall be required to keep detailed information about all new markets identified (see "Reports and Other Documentation" Article VIII). Before referring generators of potentially hazardous materials to a market (e.g., drum reconditioners, waste recyclers, brokers, and other businesses who have never been researched by IWRC as to their waste handling prodders) the Contractor shall be required to contact the IWRC.
- 6.14 The Contractor shall write a one page case study to be submitted with the third quarterly report which can be used to publicize BAWSS. The study will be due on a timely basis as designated in the milestone section. (See Attachment B for content requirements.)
- 6.15 The Contractor shall adequately publicize BAWSS and explain its services and provide information on its successes. The Contractor shall strive to give 7 BAWSS presentations during the program term, targeting business clubs and organizations, existing business committees, state and local workshops and conferences, trade shows and other appropriate audiences with relationships to business and industry.
- 6.16 The Contractor shall be required to meet with and educate community officials and other interested parties such as economic development agencies, chambers of commerce, city and county government offices (including solid waste), and landfills about the need for pollution prevention, waste reduction, reuse and recycling and assist them in understanding the goals and benefits-- both environmentally and economically-- of BAWSS including its emphasis on the diversion of valuable non-hazardous and hazardous materials from landfills and other disposal sites. The primary objective is to secure support for the waste exchange and identify industry needs and accomplish diversion of materials from landfills and other disposal sites.
- 6.17 The Contractor shall work cooperatively with the Department, IWRC and all Contractors in the waste exchange program. This, in part, includes ongoing communication with all involved parties; participation by all Contractors (the regional representative from the region funded through the grant) in the training workshops, meetings, and telenets (conference calls); communication with IWRC staff for technical assistance and on a monthly basis through reports; and quarterly progress reports to the Department and the IWRC (see "Reports and Other Documentation" Article VIII).

- 6.18 During the contract term, the Contractor shall attend the Iowa Recycling Association (IRA) annual conference and at least one other IRA meeting. The Contractor shall attend a regional or national conference if approved by DNR.

**ATTACHMENT A**  
**WESTERN IOWA TECH COMMUNITY COLLEGE**  
**BUDGET FOR APRIL 1,1996 TO JUNE 30, 1997**

| <b>Cost Description</b>                   | <b>Grant Funds</b> | <b>Matching Funds</b> | <b>Total Expenses</b> |
|---|--------------------|-----------------------|-----------------------|
| <b>Personnel</b>                          |                    |                       |                       |
| Salaries and Fringes                      | \$22,962           | \$5,750               | \$28,712              |
|   |                    | \$7,179               | \$7,179               |
| <b>Travel</b>                             |                    |                       |                       |
| On-sites, quarterly meetings, conferences | \$3,045            |                       | \$3,045               |
| <b>Communication</b>                      |                    |                       |                       |
| Long-distance charges                     |                    |                       |                       |
| Postage                                   | \$563              |                       | \$563                 |
| <b>Professional Development</b>           |                    |                       |                       |
| Quarterly Meetings                        | \$300              |                       | \$300                 |
| Conferences                               | \$450              |                       | \$450                 |
| Subscriptions                             |                    | \$162                 | \$162                 |
| <b>Education/Training for Business</b>    |                    | \$1,625               | \$1,625               |
| <b>Office Supplies</b>                    | \$180              | \$375                 | \$555                 |
| <b>Other</b>                              |                    |                       |                       |
| Overhead                                  |                    | \$5,475               | \$5,475               |
| <b>TOTAL</b>                              | <b>\$27,500</b>    | <b>\$20,566</b>       | <b>\$48,066</b>       |

Ms. Hay gave a detailed explanation of the BAWSS Program and each contract.

Brief discussion followed.

Gary Priebe asked why the fringes and benefits are so high for Kirkwood Community College. He related that those amounts are nearly 50% of the wages, and most generally the fringes amount to less than one-third of the salaries.

Ms. Hay responded that she would have to check on it and will provide that information to the Commission.

Rozanne King asked how the salaries are determined.

Ms. Hay responded that the salaries are set by the Community Colleges.

*Motion was made by Charlotte Mohr to approve the By-Products and Waste Search Service Contracts as presented. Seconded by Kathryn Murphy.*

Terrance Townsend asked if the Commission could delay voting on this item until the information is supplied regarding the Kirkwood Community College fringes and benefits.

*Charlotte Mohr withdrew her motion and Kathryn Murphy concurred.*

Chairperson King stated that the item will be deferred until later in the meeting.

**DEFERRED UNTIL LATER IN MEETING**

## **NOTICE OF INTENDED ACTION--CHAPTER 146, HOUSEHOLD HAZARDOUS MATERIALS PROGRAM**

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve the proposed rule regulating the collection and disposal of small amounts of household hazardous waste. Chapter 146, "Household Hazardous Materials Program," Iowa Administrative Code are proposed to implement Iowa code 455F.8, 455F.8B and 455F.9.

Iowa code sections 455F.8, 455F.8B and 455F.9 establish laws and standards regarding the management of household hazardous waste. These laws include: 1) conducting programs to collect and dispose of small amounts of hazardous waste being stored in residences or on farms known as "Toxic Cleanup Days"; 2) establishing a household hazardous waste reduction and collection program grant to regional or local agencies to coordinate public education efforts; 3) Implementing a public information and education program regarding the use and disposal of household hazardous materials.

The proposed rule clarifies the responsibilities of the recipients of these programs and grants regarding the proper handling and disposal of household hazardous materials.

## **ENVIRONMENTAL PROTECTION COMMISSION**

### **Notice of Intended Action**

Pursuant to the authority of Iowa Code sections 455B.485 and 455B.412, the Environmental Protection Commission hereby gives Notice of Intended Action to create new Chapter 146, "Household Hazardous Materials Program," Iowa Administrative Code.

This new chapter regulates the collection and disposal of small amounts of household hazardous waste that are stored in residences and on farms and to educate Iowans regarding the use of safer alternatives and the proper management and disposal of household hazardous waste.

Any interested person may make written suggestions or comments on these proposed rules prior to (date). Such written comments should be directed to Caroline Conner, Waste Management Assistance Division, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-8895. Persons who wish to convey their views by telephone should contact Caroline Conner, Waste Management Assistance Division at (515)281-8646 or at offices on the fifth floor of the Wallace State Office Building, Des Moines, Iowa.

A public hearing will be held (date), at (time) in the Fifth Floor (east/west) Conference Room of the Wallace State Office Building, East 9th and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either verbally or in writing. At the hearing persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rules.

Any person who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These rules are intended to implement Iowa Code sections 455F.8, 455F.8B and 455F.9. The following chapter is proposed.

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## **CHAPTER 146**

### **HOUSEHOLD HAZARDOUS MATERIALS PROGRAM**

**567--214.1(455F) Scope.** This chapter is intended to implement Iowa Code sections 455F.8, 455F.8B and 455F.9. The following will be accomplished in this chapter:

- Establish a education connection to the HHM programs;
- Establish an HHM education grant;
- Establish criteria for selection of TCD event host;
- Establish TCD event requirements;
- Establish criteria for selection of hazardous waste contractor; and
- Establish disbursement system for RCC disposal fund.

**567--214.2(455F) Goal.** The goal of this program is to reduce the amount of household hazardous waste being generated, landfilled and disposed of improperly in Iowa. This will be

achieved by educating the public through the Retailer's Consumer Education Program, Household Hazardous Materials Educational Awareness Programs, Toxic Cleanup Days and Regional Collection Centers. Through these programs the awareness of Iowans will be raised regarding household hazardous materials, resulting in the preservation of the state's groundwater resources while protecting our health and safety and the environment as a whole.

**567--214.3(455F) Definitions.** As used in this chapter:

*"Applicant"* means any unit of local government, public or private organizations, Regional Collection Centers and businesses with an interest in hosting a Toxic Cleanup Day.

*"Cost share"* means the percent of applicant funds contributed to the project for those expenses or services that are directly related to the project.

*"Department"* means the Iowa department of natural resources.

*"Groundwater Protection Act"* means Iowa Code chapter 455E, which sets forth laws pertaining to the protection of Iowa's groundwater resources through reduced disposal of solid wastes at landfills and provides to encourage better management of Iowa's groundwater resources.

*"HHM"* means "Household Hazardous Materials" as defined in Iowa Code subsection 455F.1.

*"Household hazardous waste"* means the unused or leftover portions of household hazardous materials.

*"RCC"* means "Regional Collection Centers" 567 IAC 211.3.

*"Retailer"* means a person offering for sale or selling a household hazardous material to the ultimate consumer within this state.

*"Retailer's consumer education program"* is the same as defined in 567 IAC 144.

*"Source reduction"* means "waste reduction" as defined in 567 IAC 209.

*"Sanitary landfill"* means a sanitary disposal project where solid waste is buried between layers of earth.

*"Toxic cleanup days (TCD)"* means free one-day collection events for the safe management of household hazardous waste from urban and rural households and an opportunity to educate the public about household hazardous materials.

*"Waste management assistance division"* means the waste management authority of the department of natural resources established by Iowa Code section 455B.483.

**567--214.4(455F) Role of the department of natural resources.** The department is responsible for the administration of the funds for the HHM program under these rules. The department will ensure that funds disbursed will meet guidelines established by the groundwater protection Act.

Any proposals described by this chapter may be submitted by an applicant for grant consideration. The waste management assistance division shall have sole responsibility for determining which projects will receive funding.

**567--214.5(455F) Funding sources.** The department will use funds authorized by Iowa Code sections 455F.7, 455E.11(2)"c" and 455E.11(2)"a"(12)"c" and "b," for the purpose of achieving the goals outlined in these rules. The department will ensure that use of these funds meets federal and state guidelines.

**567--214.6(455F) Household hazardous materials education.** Education of the public shall be the foundation of the HHM program. HHM education involves the concept of source reduction.

**214.6(1) Source reduction** Source reduction as applied to HHM consists of the following points:

- Purchase a safer alternative when possible;
- Purchase only the quantity of product needed;
- Use up the product, according to manufacturer's instructions;
- If the product can not be used up by the consumer who purchased it, the product should be given to someone who can use it;
- Some products that can not be used up, may be safely managed at home;
- If a product can not be used up, given away or safely managed at home the product should be saved for proper disposal at a TCD or a RCC.

**214.6(2) Educational Programs** The above concepts shall be communicated through every aspect of the HHM program. The HHM program includes the following subprograms:

- The Retailers Consumer Education Program which provides information to consumers while shopping in retail establishments. See 567 IAC 144 (implemented by retailers).
- Public education through distribution of HHM educational materials, presentations and communications media (as implemented by the applicant and the department).
- The TCD Program which educates Iowa residents and provides a means of proper disposal of household hazardous wastes (implemented by the applicant).
- The RCC Grant Program which educates Iowa residents and provides ongoing collection of hazardous waste from household and conditionally exempt small quantity generators. See 567 IAC 211 (implemented by the applicant).

All applicants will be required to meet these objectives. These subprograms are designed to implement education regarding HHM's.

**567--214.7(455F) HHM education grants.** The department will solicit requests for proposals (RFP) from applicants twice a year, in conjunction with the Toxic Cleanup Day RFP, for education projects.

**214.7(1) Eligible education programs.** Eligible education projects include, but are not limited to:

Retailers Consumer Education Program

- Inform retailers of requirements of the HHM Retailers Consumer Education Program;
- Assist retailers in obtaining the Household Hazardous Materials permit; and
- Assist retailers with the posting of education materials.

Household Hazardous Materials Awareness

- Identification of HHM products;
- Purchase of safer alternatives;
- Proper management and proper disposal options;
- Awareness of TCD and RCCs.

**214.7(2) Department selection.** The criteria and instructions for submitting a proposal is included in the TCD request for proposal (RFP) package. The department will review all

proposals returned by the deadline and select HHM education grantees based on the information requested in the RFP package. Upon selection, the department will provide financial and technical assistance. Instruction for submitting proposals and the process by which the selection is determined, will be detailed in the application package available from the waste management assistance division.

**567--214.8(455F) Selection of TCD event host.** The department will solicit request for proposals twice a year from applicants to sponsor TCD events. The following is a list of general requirements for hosting a TCD. The proposals will be evaluated on how well the applicant meets these general criteria:

- Establishment of a local task force;
- Publicity;
- Education;
- Retailer Consumer Education Program;
- Local oil and battery collection sources;
- Telephone Appointment Assistance;
- Usable paint exchange;
- Volunteer network;
- Permanent program;
- Selection of site, including:
  - Accessibility
  - Storage capabilities
  - Availability;
- Pledges of support by Local law enforcement and Fire protection;
- Local cost share.

The detailed criteria for the proposal is included in the TCD request for proposal package. Applications will be due the first Friday in January and the first Friday in July of each year at 5 p.m., unless otherwise designated by the waste management assistance division. All proposals shall be completed as specified in the Toxic Cleanup Day RFP. Instruction for submitting proposals and the process by which the selection is determined, is detailed in the TCD request for proposal package. Upon selection of the TCD host, the department will provide the accepted applicants with services of a hazardous waste contractor and financial assistance for disposal cost. The department will also provide technical assistance through a workshop and guidance in the areas of education, publicity, telephone assistance, site selection, and setting up the toxic cleanup day. Additional copies of the TCD request for proposals are available from the waste management assistance division.

**567--214.9(455F) TCD events** The TCD events will provide for proper disposal of household hazardous waste from urban and rural households. All hazardous wastes accepted at the event shall be removed from the site within 24 hours after the end of the collection event, unless otherwise authorized by the department or applicant representative. Brochures and videos on how to establish and setup a TCD are available at the waste management assistance division.

**214.9(1) Minimum applicant cost share** A minimum cost share shall be requested of each event host. The cost share will be:

- 50 cent minimum donation per household for first or second time event host,



- 75 cent minimum donation per household for third time or more event host,\*
- (\*event host not serviced by a regional collection center); and
- 50 cent minimum cost share per household for regional collections centers.

The applicant shall incur all in-kind cost. In-kind cost will include, but is not limited to the following:

- Promotional materials, including brochures, posters, newspaper ads, public service announcements, telephone service;
- Educational materials, including books.

The department may grant a partial or complete variance from the cost share requirement of these rules. Applicants must submit in writing, within 30 days of receipt of the TCD request for proposal, a request for a variance from the cost share requirement. The department shall grant a variance from the requirement of these rules based on county median income below state median income

The department shall review the variance request and notify the applicant within 30 days of receipt that the application is approved, denied or requires modification.

**567--214.10(455F) Selection of hazardous waste contractor** The department will solicit request for proposals once a year from a current listing of hazardous waste companies in the United States. General criteria used to select the hazardous waste contractor include the following:

- General operating procedures.
- Safety/contingency plan.
- Experience and personnel.
- Waste disposal hierarchy.
- Non-hazardous and non licensed waste.
- Pricing/hypothetical event.

The detailed criteria and the instructions for submitting a proposal is included in the contractor request for proposal package. The department will review the proposals returned by the deadline specified in the request for proposal, and select a contractor based on the criteria areas presented. The department will have sole responsibility in the selection of a contractor. Copies of the contractor request for proposal are available from the waste management assistance division.

**567--214.11(455F) Regional collection center household hazardous material disposal funding.** All RCC are eligible to receive funding from the department to offset the costs associated with the proper disposal of household hazardous waste by a hazardous waste contractor. The additional 3 percent described in 1995 Iowa Acts Chapter 80, section 3, is the source for this funding.

RCC's will receive a percentage of the total funds accumulated in the account based on the poundage that all RCC's report during a fiscal year. To receive the disposal funding , a RCC must report to the department by August 1, of each year. From the previous fiscal year the RCCs shall report:

- Number of households bringing waste to the facility
- Poundage's of household hazardous waste received
- Categories of household hazardous waste received

A fiscal year will be from July 1, of the previous year to June 30, of the current year. Water based paint, waste oil and lead acid battery weights are not considered eligible poundage's.

These rules are intended to implement Iowa Code sections 455F.8, 455F.8B and 455F.9.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Larry J. Wilson, Director

Ms. Hay reviewed the rules in detail.

Discussion took place regarding the schedule for TCD events.

*Motion was made by Charlotte Mohr to approve Notice of Intended Action--Chapter 146, Household Hazardous Materials Program. Seconded by William Ehm. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM RECIPIENTS**

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department received thirty-four (34) applications to consider for funding assistance during the December 1995 Landfill Alternatives Financial Assistance Program application period. The 34 applicants requested nearly \$7.1 million in financial assistance.

Thirteen (13) applications were selected to receive \$2,105,425 in grants and zero interest loans. A summary of each selected project is attached for the Commission's information. Contracts will be brought to the Commission for approval beginning with the March 1996 meeting.

### **LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM**

#### **APPLICATIONS SELECTED -- DECEMBER 1995 ROUND**

The following Landfill Alternatives Financial Assistance Program project proposals have been selected to receive financial assistance. Thirty-four (34) applications were received requesting nearly \$7.1 million. Thirteen (13) projects were selected to receive a total of \$2,105,425 in grants and zero interest loans.

**Applicant:** Kirkwood Community College -- Barrie Swinbank -- 319-398-5609  
6301 Kirkwood Blvd. SW  
P.O. Box 2068

|  |  |
|--|--|
| <b>Project Type:</b><br><b>Award:</b><br><b>Description:</b> | <p>Cedar Rapids, Iowa 52406<br/>Linn County</p> <p>Education - Composting</p> <p>\$90,135 - Grant</p> <p>The applicant will develop a comprehensive educational curriculum that addresses composting of organics from municipal, residential and agricultural sources. As part of the curriculum, an on-site working laboratory will be developed to provide hands-on experience in compost creation, management, maintenance, troubleshooting, testing and land application. The curriculum will be used in the existing landfill operators certification course, a new course offering for agricultural science students and a new course in backyard composting as part of the continuing education series. In the first year, 1,522 tons of organics, currently landfilled or burned, will be recovered from the Kirkwood campus for composting. Finished compost will be used on-site with application to campus grounds, playing fields, and farm land and used as a potting soil amendment in the college greenhouse. Financial assistance is awarded for constructing and equipping the classroom, project coordination, curriculum development, promotion and education, and first year finished compost screening.</p> <p>The applicant has not received previous financial assistance through this program.</p> |
|--|--|

|   |   |
|---|---|
| <b>Applicant:</b><br><br><b>Project Type:</b><br><b>Award:</b><br><b>Description:</b> | <p>Blue Stem Solid Waste Agency -- Liz Christiansen/Mike Berkshire -- 319-398-1278<br/>P.O. Box 2068<br/>Cedar Rapids, Iowa 52406<br/>Linn County</p> <p>Education -- Waste Sort and Characterization Study</p> <p>\$65,464 - Grant</p> <p>The Blue Stem Solid Waste Agency Board of Directors voted to impose a landfill ban on corrugated cardboard beginning April 1, 1996 at both landfills located in Linn County. Blue Stem Solid Waste Agency operates a landfill in Cedar Rapids that serves a densely populated area with a large percentage of waste coming from the industrial/commercial/institutional sectors and operates the County landfill which serves an area less densely populated with most solid waste generated in the residential sector. The proposed project involves conducting two solid waste sorts and characterization studies at each landfill. The first will be conducted prior to the landfill ban and the second will be conducted 4 months after the ban has been in effect. A two season sort and characterization study has never been conducted and will provide both baseline and performance data necessary to properly evaluate the effectiveness of the ban. Results of the project will be presented and made available to all solid waste officials in the state to assist in their decision of implementing landfill bans. Information transfer will benefit both urban and rural planning areas. It is anticipated that the landfill ban on corrugated cardboard will divert approximately 23,000 tons from the landfill and provide a significant feedstock to Cedar River Paper Company. Financial assistance is provided for conducting the waste sort and characterization studies.</p> <p>The applicant has not received previous financial assistance through this program. However, the applicant agency was formed in 1994 and took over administration of a \$211,047 grant awarded to Linn County for establishing a recyclable materials transfer station during the December 1992 round.</p> |
|---|---|

|                   |  |
|-------------------|--|
| <b>Applicant:</b> | <p>Hy-Line International -- Gary Coleman -- 515-992-3736<br/>1915 Sugar Grove<br/>P.O. Box 310<br/>Dallas Center, Iowa 50063</p> |
|-------------------|--|

**Project Type:** Dallas County  
Research and Development/Demonstration - Recycling of Spent Fowl Into Animal Feed Component

**Award:** Total = \$507,321      \$350,046 - Grant      \$157,275 - Loan

**Description:** The proposed project will expand the existing hatchery waste to livestock feed additive by including processed spent fowl (hens and roosters). Due to their size and inconsistent availability, this material once processed can not simply be blended with the hatchery waste without adversely affecting the chemical and nutrient value of the feed additive. Consequently a method of fermenting (storing) processed spent fowl must be developed that avoids deterioration prior to it being metered, at a different rate, with processed hatchery waste and soybean meal to produce the final product. The applicant currently generates approximately 400,000 spent fowl or 650 tons annually with a significant expansion in the number of hatchery houses over the next three years planned.

Traditionally, spent hens were marketed to other food processors for use in soup and processed foods and roosters were sent for rendering. These disposal options are no longer available as food processors are concerned with liability, they raising their own birds and feathers are difficult to manage in the rendering process. The applicant expects receiving spent fowl from other Hy-Line facilities including the Hy-Vac poultry farms near Adel, Redfield, and Gowrie. If the process is successful, the applicant expects to install a similar system at their hatcheries near Spencer. Financial assistance is awarded for equipment and building expansion.

The applicant received \$300,000 during the June 1994 round to implement Phase 1 of the recycling to livestock feed project. This Phase II project will continue their hatchery house recycling project by developing and implementing the recycling of spent fowl.

**Applicant:** Adair County Sanitary Landfill Commission -- Dennis Reha -- 515-743-8343  
1645 Hwy. 25  
Menlo, Iowa 50164-8023  
Adair County

**Project Type:** Recycling Facility Construction

**Award:** \$186,065 - Loan

**Description:** The applicant is proposing to construct a building and minimally process recyclables from Adair County, the City of Menlo in Guthrie County and the Cities of Adair, Casey, and Stuart which lie in both Adair and Guthrie Counties. Materials are collected via drop-boxes in each community and at the landfill. Materials received are currently transported loose (unprocessed) to market. A lack of adequate storage space and the transportation of loose materials results in inefficient use of semi-trailers and high transportation costs. With the project the applicant will bale all materials with the exception of glass which will be stored in gaylords awaiting transportation. This limited processing of materials will significantly reduce transportation costs and allow the applicant to generate revenue from the sale of recyclables. With the facility in place, the applicant will be able to push for curbside recycling as a means of increasing the amount of materials recovered from the waste stream above the 3,728 tons currently recovered. Financial assistance is awarded to assist in building construction and the purchase of a horizontal baler.

The applicant has not received previous funding through this program.

**Applicant:** Moulded Fibre Technology -- Kevin Donoghue -- 508-352-2200  
172 East Main Street  
Georgetown, Massachusetts 01833

**Project Type:** Research & Development/Demonstration - Manufacturing Interior Packaging From Recycled Newspaper

**Award:** \$350,000 - Grant

**Description:** The applicant is proposing to locate a new manufacturing plant in eastern Iowa to produce custom designed, precision molded packaging products from old newspaper (ONP). The initial line will use over 1,000 tons of ONP annually with a second manufacturing line anticipated for future expansion. The facility will serve as a market that is close to several recycling centers in eastern Iowa. Applicant's current customers in the midwest include Apple Computer, Canon, US Robotics, and Motorola. Financial assistance is awarded to assist in the purchase and installation of a molded fiber manufacturing machine.

The applicant has not received previous funding through this program.

**Applicant:** BioFuels Corporation -- Jeff Carter -- 515-964-6791  
2010 South Ankeny Blvd.  
Ankeny, Iowa 50021  
Polk County

**Project Type:** Research & Development/Demonstration - Manufacture of Fuel Cubes With Paper Mill Sludge

**Award:** \$60,982 - Grant

**Description:** The applicant is proposing to expand the manufacture of Fueleetts™, an alternative fuel cube that is co-fired with coal, by adding two new waste streams, paper mill sludge and waste wood. Approximately 1,250 tons of mill sludge, non-recyclable paper, and waste wood will be diverted from the landfill annually with the project. Due to the variable moisture content of mill sludge and various sized pieces of wood, a method to preprocess and meter this material into the manufacturing process at rate that, when mixed with non-recyclable waste paper, will result in acceptable fuel cubes. Mill sludge is currently being landfilled by Cedar River Paper Company at the rate of 60 to 80 tons per day. A second, larger paper line is currently being constructed and will more than double the generation of mill sludge and place a significant burden on the Linn County landfill. The applicant's existing facility is located in Iowa City and are planning to locate a second manufacturing facility in the Cedar Rapids area. Fueleetts™ are currently marketed to Ag Processing, Inc. of Elk Grove. The applicant is working with John Deere Waterloo Works in stack tests for co-firing the fuel cubes and the University of Iowa has expressed interest in co-firing Fueleetts™ in their new fluidized-bed boiler once operational. Stack tests have shown that co-firing the fuel cubes with coal may reduce the toxicity of air emissions compared to burning coal alone.

The applicant was awarded a \$72,152 grant during the June 1991 round to develop the initial alternative fuel cube manufacturing facility for non-recyclable paper. The project will expand the types of non-recyclable material accepted in the manufacture of fuel cubes and divert a significant waste stream from the landfill.

**Applicant:** Tasler Pallet -- Ron Jones -- 515-832-5200  
P.O. Box 622  
Webster City, Iowa 50595  
Hamilton County

**Project Type:** Recycling Used Pallets

**Award:** \$312,750 - Loan

**Description:** The applicant is proposing to expand its recycled pallets division from 13,000 tons per year to approximately 26,000 tons per year chiefly through their major pallet supplier doubling the number of pallets supplied. Waste pallets are received from across the state and surrounding states. Waste wood generated through pallet refurbishing will be burned to heat the facility

during the winter months and marketed to another company for livestock bedding year around. Financial assistance is awarded to assist in the purchase and installation of a pallet assembler.

The applicant has not received previous funding through this program.

**Applicant:** Iowa Department of General Services -- Tim Ryburn -- 515-281-3137  
1305 East Walnut  
Des Moines, Iowa 50317  
Polk County

**Project Type:** Waste Reduction - Replacing Paper Towels With Electric Dryers

**Award:** \$101,923 - Grant

**Description:** The proposed project involves eliminating paper towel waste by replacing paper towel dispensers with electric dryers in 40 rest rooms in thirteen (13) buildings on the Capitol Complex. The waste reduction project will eliminate approximately 50% of the Capitol Complex waste stream currently landfilled, eliminate approximately \$7,000 in paper towel purchases and a similar amount in costs associated with landfilling this waste stream. The proposed project was recommended in the Waste Reduction Opportunity Assessment Report prepared through the Waste Reduction Assistance Program after assessing selected Department of General Services operations and facilities. Financial assistance is awarded for the purchase and installation of electric dryers.

The applicant has not received previous funding through this program.

**Applicant:** Iowa Department of General Services -- Tim Ryburn -- 515-281-3137  
1305 East Walnut  
Des Moines, Iowa 50317  
Polk County

**Project Type:** Education - Capitol Complex Recycling Coordinator

**Award:** \$47,000 - Grant

**Description:** The proposed project involves the hiring of a full-time recycling coordinator to take the lead role in Capitol Complex waste reduction and recycling programs, organize existing recycling coordinators, increase employee education and awareness across the capitol complex, and provide technical outreach to other state institutions such as state hospitals, institutions, office buildings, etc. The proposed project was recommended in the Waste Reduction Opportunity Assessment Report prepared through the Waste Reduction Assistance Program after assessing selected Department of General Services operations and facilities. Financial assistance is awarded to provide funding for the first year of this new position. The Department of General Services has budgeted for this position beginning in year two.

The applicant has not received previous funding through this program.

**Applicant:** Iowa State University -- Dr. Bruce Kjartanson -- 515-294-3925  
Department of Civil Engineering  
213 Beardshear  
Ames, Iowa 50011  
Story County

**Project Type:** Research & Development/Demonstration - Use of Waste Tires In Engineered Drainage Structures

**Award:** \$150,946 - Grant

**Description:** The project will establish engineering and construction guidelines for drainage structures (i.e., french drains and culverts) composed of whole and large-sized tire shreds. Specific research goals include: characterize and quantify erosion resistance, permeability and consolidation

response of large sized tire shreds, determine the engineering behavior of whole tires as buried drainage conduits, quantify the performance and establish guidelines for construction of drainage structures composed of large-sized tire shreds and whole tires. The proposed project will result in a beneficial reuse of waste tires and provide engineering and construction guidelines assisting farmers, construction contractors, consulting engineers and government agencies. Previous studies across the US have been limited to the use of waste tires of two inch and smaller chips for construction projects. The proposed project will fill this void. Financial assistance is awarded for salaries, travel, supplies, and lab test equipment.

The applicant received a \$33,400 grant during the June 1991 grant round to collect and compost yard waste from ISU buildings and grounds.

**Applicant:** Iowa State University -- Stan Henning -- 515-294-7846/Rakhee Kaparthy -- 319-273-2079  
Department of Agronomy  
3208 Agronomy  
Ames, Iowa 50011  
Story County

**Project Type:** Research & Development/Demonstration - Agronomic Benefits of Water Treatment Lime Sludge

**Award:** \$57,025 - Grant

**Description:** The purpose of the proposed project is to determine and promote the agronomic benefits of water-treatment lime sludge on crop growth by applying lime sludge to field crops commonly grown in Iowa (corn, soybeans and alfalfa). The agricultural and economic attributes of using lime sludge as a soil amendment rather than the traditional alkaline stabilization products will also be identified. Agricultural land application could use 100% of the water-treatment lime sludge generated in the state. It is estimated that 500,000 dry tons of lime sludge is generated in Iowa annually. A survey was conducted of 35 communities generating water treatment lime sludge in the state. Currently, five (5) of the communities are landfilling a total of 25,000 dry tons of lime sludge, 100% of what is generated. The remaining communities are land applying the lime sludge or stockpiling it for future disposal. The project will study the effects lime sludge has on growth rate, crop yield, soil pH and other nutrients. Results of the project will be presented and promoted with the goal of increasing the use of this large quantity waste material in agricultural practices to 100% of that generated. Financial assistance is awarded for supplies, wages and travel.

The applicant received a \$33,400 grant during the June 1991 grant round to collect and compost yard waste from ISU buildings and grounds.

**Applicant:** Fremont County Waste Systems -- Mike Hahn -- 712-382-1322  
1207 Adams  
P.O. Box 13  
Hamburg, Iowa 51640  
Fremont County

**Project Type:** Research & Development/Demonstration - Implement Iowa's Only Weight Based Collection System

**Award:** Total \$174,000                      \$132,000 - Grant                      \$42,000 - Loan

**Description:** The applicant is proposing to implement Iowa's first weight-based fee structure for the collection of solid waste. Solid waste from each household will be weighed at the curb providing customers and local officials with a precise measurement of solid waste generated and destined for the landfill. This type of fee structure provides an immediate economic reward to households for recycling, reuse, composting or waste reduction through efficient purchases. A

guidance document to be developed as part of the project will serve as the basis upon which other weight-based collection programs can be initiated across the state. The project will provide such information as: household attitudes, amount and type of recyclables collected, the change in solid waste generation (landfill diversion), a review of weight-based collection equipment, and a benefit/cost analysis including a comparison to volume-based and flat fee pricing structures. Financial assistance is awarded for the purchase and tagging of collection containers, retrofitting existing collection vehicles with a tipping arm and scale, education/promotion materials, and wages for survey and survey analysis, development of the implementation guide book, evaluation of performance and recommendations of equipment.

The applicant has not received previous funding through this program.

**Applicant:** Harrison County Landfill Commission -- Bruce Jones -- 712-644-2348  
East Highway 30  
P.O. Box 121  
Logan, Iowa 51546  
Harrison County

**Project Type:** Education - Waste Reduction and Recycling

**Award:** \$1,814 - Grant

**Description:** The applicant is proposing to increase education efforts and public awareness of waste reduction, reuse, recycling and composting opportunities in Harrison County. Included in the proposed project is conducting a survey to ascertain the public's attitudes and opinions on recycling, solid waste, composting and related issues. Survey results will be used to target areas of education and information for future programs. Recycling education packets will be compiled for new residential solid waste collection customers in the County including such information as household hazardous materials, local recycling programs, and children's activity booklets relating to waste reduction, recycling and composting. The proposed project also includes obtaining educational materials and making them available to area educators, civic groups, local governments, landfill commission staff and others. Financial assistance is awarded for survey postage and mailing, and acquisition and development of waste reduction, recycling and composting materials.

The applicant received a \$50,130 grant during the December 1992 round to initiate recycling in the county. Drop-off containers were purchased and placed in each community. Recyclables are transported to Monona County for processing and marketing. The proposed project is expected to increase participation in recycling, composting and waste reduction.

Ms. Hay reviewed details of the applications noting there was good variety in this round of applicants. She related that contracts will be brought for the Commission's approval next month.

William Ehm questioned the proposal from Hy-Line International noting that he likes the concept but does not see how this project will divert anything from going to the landfill. He pointed out that the spent fowl have not been going to the landfill in the past so there will be no diversion.

Ms. Hay stated that the alternative outlet is no longer available for spent fowl.



William Ehm commented that he doesn't think they will ever end up in a landfill because they will more than likely be used as compost.

Discussion took place regarding Moulded Fibre Technology locating in Iowa; the modified version of the Fremont County Waste Systems project; and the ISU-Dept. of Agronomy proposal.

William Ehm stated that since the Hy-Line International project borders on whether it is an appropriate project for this type of funding, he questioned whether it would jeopardize the project if they received only a loan.

Ms. Hay indicated that she will provide additional information on Hy-Line at next month's meeting.

|                           |
|---------------------------|
| <b>INFORMATIONAL ONLY</b> |
|---------------------------|

### **BY-PRODUCTS AND WASTE SEARCH SERVICE (BAWSS) CONTRACT APPROVAL (CONTINUED)**

Ms. Hay informed the Commission that she does not have any other specific information available on the Kirkwood Community College contract. She related that staff will have to check with Kirkwood to get the specifics.

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| <i>Motion was made by Charlotte Mohr to approve the BAWSS contracts, with the exception of the Kirkwood Community College contract. Seconded by Gary Priebe. Motion carried unanimously.</i> |
|--|

Consensus of the Commission was to delay approval of the Kirkwood Community College contract until further information is presented on that project.

|   |
|---|
| <b>CONTRACTS APPROVED EXCEPT KIRKWOOD COMMUNITY<br/>COLLEGE</b> |
|---|

### **MONTHLY REPORTS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report

## 5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

IOWA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
RULEMAKING STATUS REPORT  
February 1, 1996

| PROPOSAL   | NOTICE TO COMMISSION | NOTICE PUBLISHED      | RULES REVIEW COMMITTEE | HEARING  | FINAL SUMMARY TO COMMISSION | RULES ADOPTED       | RULES PUBLISHED     | RULES REVIEW COMMITTEE | RULE EFFECTIVE       |
|--|----------------------|-----------------------|------------------------|--|-----------------------------|---------------------|---------------------|------------------------|----------------------|
| 1. Ch. 20,22,23, and 29 - AQ Rules Update & Waiver of Title V Applicability for Small Sources - MACT | 12/18/95             | 1/17/96               | 2/05/96                | 2/19/96  | *3/18/96                    | *3/18/96            | *4/17/96            | *5/13/96               | *5/22/96             |
| 2. Ch. 22 - Background Values for PM-10 AMENDED NOTICE   | 6/19/95<br>6/19/95   | 7/19/95<br>8/16/95    | 8/14/95<br>9/05/95     | 10/18/95   | NOTICE<br>*2/19/96          | AMENDED<br>*2/19/96 | *3/13/96            | *4/10/96               | *4/17/96             |
| 3. Ch. 22 - New Source Review - Non-Attainment Areas   | 10/16/95             | 11/08/95              | 12/13/95               | 12/08/95   | 1/16/96                     | 1/16/96             | 2/14/96             | *3/11/96               | *3/20/96             |
| 4. Ch. 22 - AQ Construction Permit Exemptions  | 10/16/95             | EMERGENCY<br>11/08/95 | 12/13/95               | 12/08/95   | 10/16/95<br>1/16/96         | 10/16/95<br>1/16/96 | 11/08/95<br>2/14/96 | 12/13/95<br>*3/11/96   | 10/20/95<br>*3/20/96 |
| 5. Ch. 22 - Title V Fee Payment  | 10/16/95             | 11/08/95              | 12/13/95               | 12/11/95   | 1/16/96                     | 1/16/96             | 2/14/96             | *3/11/96               | *3/20/96             |
| 6. Ch. 22 - Deferral of Title V Fee Payment  | 2/19/96              | *3/13/96              | *4/10/96               | *4/ /96  | *5/20/96                    | *5/20/96            | *6/19/96            | *7/10/96               | *7/24/96             |
| 7. Ch. 30 - Rescind Temporary Air Toxic Fees   | ADOPTED              | WITHOUT NOTICE        |                        |  | 1/16/96                     | 1/16/96             | 2/14/96             | *3/11/96               | *3/20/96             |
| 8. Ch. 61 - WQ Standards - Nationwide Permits  | 11/20/95             | 12/20/95              | 1/03/96                | -----  | 2/19/96                     | *2/19/96            | *3/13/96            | *4/10/96               | *4/17/96             |
| 9. Ch. 61 - WQ Standards - Stream Use Designations   | 2/19/96              | *3/13/96              | *4/10/96               | *4/ /96  | *5/20/96                    | *5/20/96            | *6/19/96            | *7/10/96               | *7/24/96             |
| 10. Ch. 65 - Animal Feeding Operations   | 10/16/95             | 11/08/95              | 12/13/95               | 12/4-5/95<br>12/7/95<br>12/12/95<br>12/14/95                                     | 1/16/96                     | 1/16/96             | 2/14/96             | *3/11/96               | *3/20/96             |
| 11. Ch. 83 - Laboratory Certification  | 10/16/95             | 11/08/95              | 12/13/95               | 12/14/95<br>12/01/95<br>12/04/95<br>12/06/95<br>12/08/95<br>12/11/95<br>12/13/95 | *3/18/96                    | *3/18/96            | *4/17/96            | *5/13/96               | *5/22/96             |
| 12. Ch. 133, 135 - Underground Storage Tank - Risk Based Corrective Action Stds.                     | 10/16/95             | 11/08/95              | 12/13/95               | 2/06/96<br>2/07/96<br>2/08/96  | *3/18/96                    | *3/18/96            | *4/17/96            | *5/13/96               | *5/22/96             |
| 13. Ch. 134 - Groundwater Professional Certification   | 12/18/95             | 1/17/96               | 2/12/96                | 2/06/96<br>2/07/96<br>2/08/96  | *3/18/96                    | *3/18/96            | *4/17/96            | *5/13/96               | *5/22/96             |
| 14. Ch. 146 - Household Hazardous Materials Program  | 2/19/96              | *3/13/96              | *4/10/96               | *4/ /96  | *5/20/96                    | *5/20/96            | *6/19/96            | *7/10/96               | *7/24/96             |

| Monthly Variance Report |   |                         |  |                          |          |          |
|-------------------------|---|-------------------------|--|--------------------------|----------|----------|
| January, 1996           |   |                         |  |                          |          |          |
| Item No.                | Facility  | Program                 | Engineer                               | Subject                  | Decision | Date     |
| 1                       | Atlantic, City of   | Air Quality             |  | Structures               | Denied   | 01/23/96 |
| 2                       | Maxwell, City of  | Air Quality             |  | Disaster Waste           | Approved | 01/18/96 |
| 3                       | Montgomery County   | Air Quality             | Montgomery County Engineer             | Structures               | Denied   | 01/25/96 |
| 4                       | West Central Cooperative-Gowrie   | Air Quality             |  | Structures               | Denied   | 01/25/96 |
| 5                       | Ottumwa, City of  | Wastewater Construction | McClure Engineering Company            | Digester Access Openings | Approved | 01/22/96 |
| 6                       | Lime Creek-Buchanan County  | Flood Plain             | Buchanan County Engineer               | Percent Length Reduction | Approved | 01/23/96 |
| 7                       | North Raccoon River Bridge-Buena Vista County   | Flood Plain             | Kuehl & Payer, Ltd.                    | Freeboard                | Approved | 01/02/96 |
| 8                       | Monsanto Company-Muscatine  | Wastewater Operation    |  | Monitoring Frequency     | Approved | 01/08/96 |
| 9                       | Anderson Excavating Company-Closed Carter Lake C&D Sanitary Landfill-Pottawattamie County | Solid Waste             | Geotechnical Services, Inc.            | Closure                  | Denied   | 01/02/96 |
| 10                      | Anderson Excavating Company-Closed Carter Lake C&D Sanitary Landfill-Pottawattamie County | Solid Waste             | Geotechnical Services, Inc.            | Cover                    | Denied   | 01/02/96 |
| 11                      | Lansing Industrial Park-Lansing Development Corp.   | Solid Waste             | Rod Bloxham, Pres., Lansing Dev. Corp. | Coal Combustion Residue  | Approved | 01/09/96 |

## Report of Hazardous Conditions

During the period January 1, 1996, through January 31, 1996, 42 reports of hazardous conditions were forwarded to the central office. Two incidents are highlighted below. A general summary and count by field office is attached. This does not include releases from underground storage tanks, which are reported separately

| Date Reported and County | Material, Amount, Cause, Location & Impact  | Responsible Party                                       | Response   |
|--------------------------|---|---|--|
| 01/17/96<br>Dallas       | A semi-truck was involved in a one vehicle accident. The truck tipped over and approx. 3000 gallons of edible fat leaked from the truck. No waterways were impacted by the spill. | Feed Energy<br>3121 Dean Avenue<br>Des Moines, IA 50317 | Local officials secured heavy equipment to construct a berm to prevent the material from entering the creek. The responsible party pumped out the truck and excavated the contaminated soil. |
| 01/19/96<br>Palo Alto    | Employees discovered an inventory loss indicating 5000 gallons of gasoline leaked out of an aboveground storage tank. Shallow wells in the vicinity may be impacted by the spill. | Cylinder Coop<br>PO Box 67<br>Cylinder, IA 50528        | The responsible party hired a consultant to investigate the site. Monitoring wells were drilled so that free product could be collected from beneath the ground surface.                     |

| Substance |                 |                   |                 |                                |                      | Mode     |                  |             |      |       |
|-----------|-----------------|-------------------|-----------------|--------------------------------|----------------------|----------|------------------|-------------|------|-------|
| Month     | Total Incidents | Petroleum Product | Agri - Chemical | Other Chemicals and Substances | Handling and Storage | Pipeline | Highway Incident | RR Incident | Fire | Other |
| October   | 64(51)          | 37(38)            | 9(3)            | 18(10)                         | 21(32)               | 0(0)     | 35(16)           | 3(0)        | 1(0) | 4(2)  |
| November  | 52(54)          | 34(24)            | 7(7)            | 11(23)                         | 25(29)               | 4(0)     | 21(22)           | 1(3)        | 0(0) | 1(0)  |
| December  | 56(52)          | 30(27)            | 11(2)           | 15(23)                         | 28(38)               | 2(1)     | 21(12)           | 2(0)        | 1(0) | 2(1)  |
| January   | 42(48)          | 18(29)            | 10(7)           | 14(12)                         | 24(31)               | 0(0)     | 13(14)           | 1(1)        | 0(1) | 4(1)  |
| February  |                 |                   |                 |                                |                      |          |                  |             |      |       |
| March     |                 |                   |                 |                                |                      |          |                  |             |      |       |
| April     |                 |                   |                 |                                |                      |          |                  |             |      |       |
| May       |                 |                   |                 |                                |                      |          |                  |             |      |       |
| June      |                 |                   |                 |                                |                      |          |                  |             |      |       |
| July      |                 |                   |                 |                                |                      |          |                  |             |      |       |
| August    |                 |                   |                 |                                |                      |          |                  |             |      |       |
| September |                 |                   |                 |                                |                      |          |                  |             |      |       |

Total Number of Incidents Per Field Office This Period:

(numbers in parentheses for the same period in fiscal year '95)

|   |   |   |   |    |   |
|---|---|---|---|----|---|
| 1 | 2 | 3 | 4 | 5  | 6 |
| 6 | 4 | 9 | 2 | 15 | 6 |

**UNDERGROUND STORAGE TANKS**

During the period of January 1, 1996 through January 31, 1996, the following number of releases from underground storage tanks were identified.

19(32)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1995.

**NUMBER OF LUST CLEANUPS COMPLETED**

During the period of January 1, 1996 through January 31, 1996, the following number of LUST cleanups were completed:

9(1027)

The number in parentheses represents the total number of LUST cleanups through January 31, 1996.

**NUMBER OF LOW RISK SITES APPROVED**

During the period of January 1, 1996 through January 31, 1996, the following number of low risk sites were approved:

31(953)

The number in parentheses represents the total number of low risk LUST sites through January 31, 1996.

**Enforcement Report Update**

The following new enforcement actions were taken last month:

| Name, Location and Field Office Number       | Program                    | Alleged Violation                 | Action                | Date    |
|--|----------------------------|-----------------------------------|-----------------------|---------|
| Thomas L. Buckley, Howard Co. (1)            | Wastewater                 | Prohibited Discharge              | Order/Penalty \$2,500 | 1/02/96 |
| Russell Stagg, Muscatine Co. (6)             | Air Quality<br>Solid Waste | Open Burning;<br>Illegal Disposal | Order/Penalty \$2,000 | 1/04/96 |
| Rural Iowa Sanitary Landfill, Hardin Co. (2) | Solid Waste                | Leachate Control                  | Order                 | 1/04/96 |
| SNB Farms, Inc., Hamilton Co. (2)            | Wastewater                 | Prohibited Discharge              | Order/Penalty \$2,000 | 1/11/96 |
| Holstein, City of (3)                        | Wastewater                 | Discharge Limits                  | Order                 | 1/11/96 |

IOWA DEPARTMENT OF NATURAL RESOURCES  
COMPLIANCE AND ENFORCEMENT BUREAU

DATE: February 1, 1996  
 TO: Environmental Protection Commission  
 FROM: Michael P. Murphy  
 SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

| NAME/LOCATION   | PROGRAM | AMOUNT         | DUE DATE |
|---|---------|----------------|----------|
| Marvin Kruse d/b/a K & C Feeds (Luana)                                | UT      | 300            | 12-01-92 |
| Don Grell d/b/a Dodger Enterprise (Ft. Dodge)                         | AQ      | 10,000         | 2-16-93  |
| Duane Pospisil d/b/a Duane's Service (Lisbon)                         | UT      | 1,000          | 5-04-93  |
| Franklin Raymond (Pacific Junction)                                   | UT      | 300            | 7-07-93  |
| *Delano's Lounge (Washington)   | WS      | 425            | 9-01-93  |
| Melvin Foubert d/b/a Mel's Repair Service (What Cheer)                | UT      | 400            | 12-13-93 |
| Stan Simmer d/b/a Tire City (Des Moines)                              | UT      | 600            | 12-21-93 |
| *63-80 Cafe (Moore Oil Co.) (Malcom)                                  | WS      | 200            | 1-20-93  |
| William Hatch d/b/a R & R Convenience Store (Central City)            | UT      | 2,480          | 2-28-93  |
| Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)                 | UT      | 500            | 3-31-94  |
| Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva) | UT      | 2,300          | 5-15-94  |
| Leland Koster and Jim Koster (Alexander)                              | UT      | 350            | 6-11-94  |
| *Home Asbestos & Lead Abatement Services (Johnston)                   | AQ      | 350            | 7-02-94  |
| King Transfer, Ltd.; George B. King (Onawa)                           | UT      | 2,400          | 7-20-94  |
| Central Water Works (Fort Dodge)                                      | WS      | 275            | 8-21-94  |
| Crawford Flats, Ltd. (Denison)  | WS      | 275            | 8-25-94  |
| Holland, City of  | WS      | 550            | 8-28-94  |
| Denmark Municipal Water Supply (Denmark)                              | WS      | 550            | 8-28-94  |
| *Terry Beaird d/b/a Curry Environ. Services (Marion)                  | AQ      | 1,000          | 9-01-94  |
| Coralville Lake Terrace Assn. (North Liberty)                         | WS      | 550            | 9-01-94  |
| The Marley Pump Co. (Davenport)                                       | WS      | 125            | 9-13-94  |
| RHCL School (Luxemburg)   | WS      | 125            | 9-14-94  |
| Bill Dettman d/b/a Dettman Oil Co. (Fonda)                            | UT      | 2,800          | 9-15-94  |
| Kilpeck Mobile Home Park (Muscatine)                                  | WS      | 275            | 9-23-94  |
| Immanuel Lutheran Church and School (Readlyn)                         | WS      | 275            | 9-23-94  |
| Sunshine Homes, Inc. (Atlantic)                                       | WS      | 275            | 9-25-94  |
| Scenic View Estates (Decorah)   | WS      | 275            | 9-25-94  |
| Yarmouth Elementary School (Mediapolis)                               | WS      | 375            | 10-12-94 |
| Batavia, City of  | WS      | 650            | 10-17-94 |
| Geils Oil Company; Lawrence P. Geils (Donnelson)                      | UT      | 3,200          | 10-18-94 |
| Hidden Valley Mobile Home Court (Washington Co.)                      | WS      | 200            | 10-22-94 |
| *Dale Hall d/b/a Hall Oil Co. (Des Moines)                            | UT      | 250            | 11-15-94 |
| Donald K. Schmidt (Cedar Rapids)                                      | UT      | 3,000          | 12-27-94 |
| Collier Oil Co.; Clark Concrete Co. (Onawa)                           | UT      | 3,300          | 1-22-95  |
| North Coralville Lake Manor (Solon)                                   | WS      | 450            | 3-26-95  |
| Curry Environmental Services (Dubuque)                                | AQ      | 6,000          | 3-27-95  |
| Ron Mumby (Iowa Co.)  | SW      | 2,000          | 4-19-95  |
| Jody Beaver (Cedar Co.)   | SW/AQ   | 2,000          | 5-27-95  |
| Valley Heights 1st Annex (Blue Grass)                                 | WS      | 550            | 6-05-95  |
| Orrie's Supper Club, Inc. (Hudson)                                    | WS      | 3,000          | 6-11-95  |
| Rock Falls Lounge (Rock Falls)  | WS      | 1,500          | 6-12-95  |
| Dallas County Care Facility (Adel)                                    | WS      | 550            | 6-13-95  |
| Crestwood Acres; Mid County Water, Inc. (Toddville)                   | WS      | 375            | 6-13-95  |
| Lake Vista Improvement Assn., Inc. (Solon)                            | WS      | 200            | 6-14-95  |
| Kinseth Hotel Corp.; Best Western Westfield (Coralville)              | WS      | 500            | 7-01-95  |
| Wieland & Sons Lumber Co. (Winthrop)                                  | AQ/SW   | 3,000          | 7-04-95  |
| Fremont County Sanitary Landfill (Fremont Co.)                        | SW      | 5,000          | 7-05-95  |
| ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)                   | AQ      | 10,000         | 7-09-95  |
| David A. Dohlman d/b/a Dave's Conoco (Dumont)                         | UT      | 2,300          | 7-18-95  |
| Nishna Valley Community School (Hastings)                             | WS      | 1,000          | 8-05-95  |
| M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)             | UT      | 1,000          | 8-30-95  |
| Sheldahl, City of   | WS      | 200            | 8-30-95  |
| Norman Klynsmas d/b/a OK One Stop Service (Hospers)                   | UT      | 2,000          | 9-01-95  |
| Orville Long (Polk County)  | SW      | 3,000          | 9-12-95  |
| Bossom's Quasky Mart (Quasqueton)                                     | WS      | 100            | 10-01-95 |
| Ken Frese (Keokuk Co.)  | SW/AQ   | 1,000          | 10-03-95 |
| Carter Lake, City of  | WS      | 200            | 10-25-95 |
| Meadow Knolls Addition (Marion)                                       | WS      | 200            | 10-29-95 |
| Searsboro, City of  | WW      | 2,500          | 11-08-95 |
| *R.V. Hopkins, Inc. (Davenport)                                       | AQ      | 10,000         | 11-15-95 |
| Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)                      | SW      | 6,000          | 1-20-96  |
| Waterloo Community School District (Waterloo)                         | AQ      | 10,000         | 1-29-96  |
| Site Services, Ltd. (Waterloo)  | AQ      | 5,000          | 1-29-96  |
| *Farmers Hybrid Companies, Inc. (Keokuk Co.)                          | WW      | 2,500          | 2-02-96  |
| *Farmers Hybrid Companies, Inc. (Hamilton Co.)                        | WW      | 2,500          | 2-02-96  |
| Patrick McCoy (Keokuk Co.)  | AQ/SW   | 2,000          | 2-10-96  |
| # SNE Farms, Inc. (Hamilton Co.)                                      | WW      | 2,000          | 2-10-96  |
| Steven Mullane d/b/a S & S Landscaping (Madison Co.)                  | AQ/SW   | 2,000          | 2-14-96  |
| Cheryl Straughn d/b/a Cher's Mini Mart (Chapin)                       | UT      | 600            | 2-21-96  |
| Russell Stagg (Muscatine Co.)   | AQ/SW   | 2,000          | 3-09-96  |
| Edward Bodensteiner (Des Moines)                                      | UT      | 3,200          | -----    |
| Plantation Village Mobile Home Park (Burlington)                      | WW      | 1,000          | -----    |
| William R. Hennessey & Son, Inc. (Cedar Rapids)                       | UT      | 2,670          | -----    |
| <b>TOTAL</b>  |         | <b>142,525</b> |          |

\*Payment Schedule  
 #Animal Feeding Operation

The following cases have been referred to the Attorney General:

| NAME/LOCATION   | PROGRAM | AMOUNT | DUE DATE |
|---|---------|--------|----------|
| OK Lounge (Marion)  | WS      | 448    | 11-01-87 |
| Richard Davis (Albia)   | SW      | 1,000  | 2-28-88  |
| Eagle Wrecking Co. (Pottawattamie Co.)                            | SW      | 300    | 5-07-89  |
| *Twelve Mile House (Bernard)                                      | WS      | 119    | 5-20-89  |
| *Lawrence Payne (Ottumwa)   | SW      | 425    | 6-19-89  |
| William L. Bown (Marshalltown)                                    | SW      | 1,000  | 10-01-89 |
| Wellendorf Trust (Algona)   | AQ/SW   | 460    | 2-12-90  |
| Donald P. Ervin (Ft. Dodge)                                       | SW      | 669    | 3-05-90  |
| Gerald G. Pregler (Dubuque Co.)                                   | SW      | 1,000  | 9-02-90  |
| Donald R. Null (Clinton Co.)                                      | AQ/SW   | 1,000  | 9-06-90  |
| Robert and Sally Shelley (Guthrie Center)                         | SW      | 1,000  | 3-04-91  |
| Fred Varner (Worth Co.)   | SW      | 950    | 4-11-91  |
| Honey Creek Camping Resort (Crescent)                             | WS      | 245    | 6-13-91  |
| F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi) | WS      | 1,000  | 8-04-91  |
| *M & W Mobile Home Park (Muscatine)                               | WW      | 200    | 8-21-91  |
| Vern Starling (Boone Co.)   | SW      | 440    | 9-15-91  |
| Lloyd Dunton (Iowa Co.)   | SW      | 300    | 11-07-91 |
| Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)                    | UT      | 300    | 1-12-92  |
| Kenneth Bode (Mills Co.)  | SW      | 300    | 4-27-92  |
| V.R. Dillingham d/b/a Barb's Service (Everly)                     | UT      | 600    | 5-21-92  |
| Tandem Oak Park Associates (Ft. Dodge)                            | WS      | 405    | 6-03-92  |
| Dick White (Washington County)                                    | AQ      | 250    | 8-15-92  |
| Rankin Roofing & Siding Co. (Knoxville)                           | AQ      | 500    | 11-09-92 |
| Tony Hoyt d/b/a Lake Wilderness (Lee Co.)                         | SW      | 1,000  | 1-23-93  |
| Bernard Gavin Veterinary Clinic (Wellsburg)                       | UT      | 600    | 5-02-92  |
| Tim Sharp (Newton)  | UT      | 1,000  | 1-25-93  |
| David Young d/b/a Sierp Oil Co. (Casey)                           | UT      | 300    | 2-10-93  |
| Carson Grain & Implement (Coggon)                                 | UT      | 1,000  | 8-03-92  |
| Louis Saak d/b/a Saak Oil Co. (Baxter)                            | UT      | 1,560  | 12-25-93 |
| Smith Oil Co.; Franklin Smith (Mt. Ayr)                           | UT      | 600    | 3-31-94  |
| Verna and Don Reed; Andrea Silsby (Union Co.)                     | SW      | 1,000  | 4-07-94  |
| Economy Solar Corp. (Monticello)                                  | AQ      | 100    | 6-01-94  |
| Relative, Inc.; Doug Smuck (Des Moines)                           | UT      | 3,070  | 10-11-94 |
| Relative, Inc.; Doug Smuck (Des Moines)                           | UT      | 600    | 10-11-94 |
| Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)             | UT      | 840    | 11-01-94 |
| Wunschel Oil, et.al. (Battle Creek)                               | UT      | 6,400  | 11-08-94 |
| Paul L. Dunkel (Delaware Co.)                                     | SW      | 1,500  | 11-09-94 |
| Orrie's Supper Club, Inc. (Hudson)                                | WS      | 275    | 9-19-94  |
| Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)          | AQ      | 4,000  | 3-24-95  |
| Oscar Hahn (Solon)  | SW/AQ   | 2,000  | 8-29-95  |
| TOTAL   |         |        | 38,756   |

The following administrative penalties have been appealed:

| NAME/LOCATION  | PROGRAM | AMOUNT |
|--|---------|--------|
| Joe Eggers, Jr., et.al. (St. Ansgar)                 | SW      | 1,000  |
| Hickory Hollow Water Co. (Ankeny)                    | WS      | 400    |
| Wayne Transportation, Inc. (Greene)                  | WW      | 1,000  |
| Mulgrew Oil Company (Dubuque)                        | HC      | 500    |
| John Staub d/b/a Mr. Convenient (Burlington)         | UT      | 600    |
| Charles Kerr (Sloan)                                 | UT      | 600    |
| Stringtown Country Cafe (Lenox)                      | WS      | 1,000  |
| Lincoln Farm and Home Service (Henderson)            | WW      | 1,000  |
| Chickasaw Co. SLF, et.al. (Chickasaw Co.)            | SW      | 1,000  |
| Plymouth Cooperative Oil Co. (Hinton)                | WW      | 1,000  |
| LaVerne Rehder (Union)                               | UT      | 300    |
| Randy Bonin/Vickie Brannick (Hardin Co.)             | SW      | 500    |
| Dean Hoeness d/b/a Hoeness & Sons (Winterset)        | UT      | 300    |
| Decatur, City of                                     | UT      | 600    |
| King's Terrace Mobile Home Court (Ames)              | WW      | 500    |
| ITWC, Inc. (Malcom)                                  | AQ      | 1,000  |
| Lloyd Decker (Floyd Co.)                             | SW      | 1,000  |
| Waucoma, City of                                     | WS      | 200    |
| # Tracy Below (Hardin Co.)                           | WW      | 1,000  |
| Grand Laboratories, Inc. (Larchwood)                 | WW      | 1,000  |
| Frank Hulshizer (Benton Co.)                         | SW      | 500    |
| Chicago/Northwestern Transp. Co. (Council Bluffs)    | HC      | 1,000  |
| Firelli Armstrong Tire Corp. (Polk Co.)              | SW      | 1,000  |
| Land Renu, Inc. (Rockwell City)                      | SW      | 1,000  |
| LeMars, City of                                      | WW      | 5,000  |
| Crane Co. d/b/a Crane Valves (Washington Co.)        | SW      | 500    |
| Donald Udell (Plymouth Co.)                          | SW      | 1,000  |
| Daisy H. Gridley Conservatorship, et.al. (Union Co.) | SW      | 1,000  |
| Thomas L. Burt, et. al. (Butler Co.)                 | SW      | 1,000  |

\*Payment Schedule

#Animal Feeding Operation

|   |       |        |
|---|-------|--------|
| Richard Beckett (Villisca)  | UT    | 1,300  |
| Gilmore City-Bradgate Comm. School Dist. (Gilmore City)   | AQ    | 6,000  |
| Henry and Randy Krohn d/b/a Krohn Const. (Waukee)   | AQ/SW | 4,000  |
| James and Roxann Neneman; J & R Mini Mart (Council Bluffs)  | UT    | 3,900  |
| Simonsen Industries, Inc. (Cherokee Co.)  | WW    | 5,000  |
| Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)   | AQ    | 6,000  |
| Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)  | UT    | 885    |
| Sale-R-Villa Const., Inc. (Perry)   | AQ    | 10,000 |
| Woden-Crystal Lake Comm. School District (Crystal Lake)   | AQ    | 10,000 |
| Otis Schultz d/b/a Schultz Oil Co. (Sac City)   | UT    | 2,200  |
| Dennis Malone & Joanne Malone (Morning Sun)   | UT    | 600    |
| # Larry Royer (Guthrie Co.)   | WW    | 1,000  |
| Randy Ballard (Fayette Co.)   | FP    | 2,000  |
| Perry, City of  | WW    | 10,000 |
| Bacon Addition (Monticello)   | WS    | 375    |
| Sioux City, City of   | AQ    | 10,000 |
| Dan Schwitters; Schwitters Enterprises (Cedar Rapids)   | UT    | 600    |
| Ferris Sullivan d/b/a Sullivan's Sinclair (Preston)   | UT    | 2,000  |
| Leonard Bormann (Preston)   | UT    | 2,000  |
| Economy Solar Corp.; Jeffery C. Intlekofer (Cedar Rapids)   | AQ    | 10,000 |
| Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F&F Metals (Lee Co.)                                | HC/WW | 10,000 |
| Marvin Rozenboom (Mahaska Co.)  | SW    | 3,000  |
| Cumberland Ridge First Addition (North Liberty)   | WS    | 550    |
| Doolittle Oil Company, Inc. (Webster City)  | UT    | 6,500  |
| Dan Peterson d/b/a Peterson Backhoe (Dumont)  | AQ    | 3,000  |
| Earth Media Technologies, Inc. (Polk County)  | SW    | 3,000  |
| Allison-Bristow Community School District (Allison)   | AQ    | 5,000  |
| Allison Fire Dept.; Allison, City of  | AQ    | 5,000  |
| Pilot Oil Corporation (Walcott)   | WW/UT | 5,000  |
| Leonard C. Page (Adams Co.)   | SW    | 3,000  |
| Mark Twain Meadows Assoc. (Muscatine)   | WS    | 900    |
| White Oaks Homeowners Assn. (Ankeny)  | WS    | 1,000  |
| Boyer Valley Company (Arion)  | WW    | 8,000  |
| Wilbur McNear; Gilbert Persinger (Smithland)  | UT    | 2,500  |
| Donald Krieger (Terrill)  | UT    | 600    |
| Oakwood Park Water, Inc. (Ankeny)   | WS    | 1,000  |
| U.S. Dept. of Defense (Sioux City)  | UT    | 5,720  |
| # Blue Spruce Feedlots, Inc. (Pottawattamie Co.)  | WW    | 5,000  |
| Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca)  | UT    | 5,000  |
| Valley Restaurant/Sierp Oil/Robert Radford (Villisca)   | UT    | 2,300  |
| Orlo Stewart, et.al. (Webster Co.)  | SW    | 1,000  |
| J.P. Scherrman, Inc. (Farley)   | UT    | 1,160  |
| Lester D. Davis & Evelyn McKelvogue (Warren Co.)  | AQ/SW | 5,000  |
| Waverly Gravel & Ready-Mix aka Shell Rock Sand & Gravel (Shell Rock)  | AQ    | 3,000  |
| Anderson Excavating & Wrecking Co. (Waterloo)   | AQ    | 1,000  |
| L.F. & Betty Everett; Vern Barker & Donald Knotts, d/b/a Barker & Knotts Construction; Gene Philips (Ottumwa) | AQ    | 10,000 |
| Eli Shada (Anamosa)   | UT    | 1,328  |
| James and Robert Brock d/b/a B & B Oil (Ringsted)   | UT    | 1,685  |
| M and D Tire Processing, Inc. (Decatur Co.)   | SW    | 10,000 |
| Merrill, City of  | AQ    | 5,000  |
| # Harold Lee (Keokuk Co.)   | WW    | 3,300  |
| Riverside Plating Company (Shell Rock)  | WW    | 1,500  |
| Economy Solar Corp. (Monticello)  | AQ    | 5,000  |
| Toys "R" Us, Inc. (Davenport)   | UT    | 5,560  |
| Coastal Mart, Inc.-Store #1081 (Davenport)  | UT    | 5,320  |
| John Deere Company (Waterloo)   | AQ    | 1,000  |
| Parkwest, Ltd.; Wilbur Numelin; Ricky Lee Anderson (Clear Lake)   | UT    | 2,280  |
| Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)  | UT    | 10,000 |
| Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)  | UT    | 3,500  |
| Elite, Ltd.; Roger Kanne; James Pietig (Logan)  | UT    | 3,288  |
| HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)  | UT    | 5,000  |
| Galva Union Elevator Co. (Galva)  | UT    | 3,100  |
| Joseph L. Ranker; Daryl Hollingsworth (Indianola)   | UT    | 4,000  |
| Larry and Kelly Miller (Ogden)  | UT    | 2,000  |
| R.D.J. Farms; Donald Vogt (Van Horne)   | UT    | 1,300  |
| Home Oil Stations; Otto-Matic; Larence Otto (Burlington)  | UT    | 3,000  |
| Tom Wiseman (Sheffield)   | UT    | 3,500  |
| Village Oaks Homeowners Assn. (Blue Grass)  | WS    | 550    |
| Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)   | UT    | 1,800  |
| Thomas M. Scheetz d/b/a The Depot Food N' Fuel (Oxford)   | UT    | 2,300  |
| William Jensen d/b/a B & B Tire & Oil Co. (Avoca)   | UT    | 2,300  |
| Riverview Estates (Iowa City)   | WS    | 275    |
| Crabtree Lake Resort (Rhodes)   | WW    | 5,400  |
| Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)  | UT    | 2,300  |
| American Coals Corporation-Site #5 (Bussey)   | SW/AQ | 10,000 |
| H.E.W., Inc. a/k/a Hazardous Environmental Wastes, Inc., a/k/a Algona Roofing & Insulation, Inc. (Algona)     | AQ    | 5,000  |
| Bankston, City of   | WS    | 550    |
| Wunschel Oil, et.al. (Ida Grove)  | UT    | 10,000 |
| Chicago & North Western Transportation Co. (Clay Co.)   | WW/SW | 10,000 |
| Jim Foust (Indianola)   | SW    | 2,175  |
| Titan Wheel International, Inc. (Walcott)   | WW    | 10,000 |
| Ronald Sizemore and Mark Murphy (Eldora)  | UT    | 3,200  |
| First United Methodist Church (Ft. Madison)   | AQ    | 10,000 |
| Mike Murphy d/b/a Hawley Heating & Air (Keokuk)   | AQ    | 10,000 |
| Boomsma's Egg, Inc. (Alden/Galt)  | AQ    | 10,000 |
| George Dolan (Northwood)  | UT    | 3,300  |
| Chuck Widner, Jr. d/b/a E.D.O., Inc. (Glidden)  | AQ    | 2,000  |
| Woodbury County Highway Department (Woodbury Co.)   | UT    | 4,000  |
| Keith Owens and Howard Maurer (Wilton)  | UT    | 3,100  |
| Tom Babinat d/b/a Tom's Car Care (Grundy Center)  | UT    | 3,600  |
| Welch Oil, Inc. (Williams)  | UT    | 10,000 |

\*Payment Schedule

#Animal Feeding Operation

|  |       |                |
|--|-------|----------------|
| Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)      | WW    | 3,000          |
| Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)           | UT    | 2,000          |
| Holiday Mobile Lodge, Inc. (Johnson Co.)                   | SW/AQ | 2,000          |
| Shell Rock Products, Inc. (Butler Co.)                     | SW/AQ | 10,000         |
| Colwell, City of   | WS    | 200            |
| DBM, Inc. (Cedar Falls)                                    | AQ    | 10,000         |
| Jerry McElmeel d/b/a McElmeel & Sons Const. (Monticello)   | AQ    | 5,000          |
| E.L. Incorporated (Algona)                                 | SW    | 5,000          |
| Weber Construction, Inc. (Cascade)                         | AQ    | 4,000          |
| Tri-County Bank & Trust (Cascade)                          | AQ    | 4,000          |
| Central Community School District (DeWitt)                 | AQ    | 5,000          |
| Jack Pinney Operations, Inc. (Sioux City)                  | AQ    | 4,000          |
| Larson Cont. Inc. (Winnebago Co.)                          | AQ/SW | 1,000          |
| Enviro Safe Air, Inc. (Sioux City)                         | AQ    | 10,000         |
| # Gary Watson (Cerro Gordo Co.)                            | WW    | 2,500          |
| Clay Contractors, Inc. (Spencer)                           | AQ    | 3,000          |
| Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)   | AQ/SW | 10,000         |
| Roy Burger (Gillette Grove)                                | UT    | 5,400          |
| Ben Dawson (Appanoose Co.)                                 | AQ/SW | 5,000          |
| Marvin Wernimont; Filter Friend Recycling (Buena Vista)    | AQ/SW | 2,000          |
| Curry Environmental Services, Inc. (Marion)                | AQ    | 10,000         |
| Spencer Municipal Hospital (Spencer)                       | AQ    | 3,000          |
| Massena, City of   | WW    | 1,200          |
| Westside Park for Mobile Homes (Burlington)                | WW    | 3,000          |
| Climax Molybdenum Company (Ft. Madison)                    | HC/AQ | 10,000         |
| Clarence, City of  | WW    | 3,000          |
| All-States Quality Foods (Charles City)                    | WW    | 5,000          |
| Bill Shirbroun d/b/a Was Broken Pallet (Webster Co.)       | AQ/SW | 1,000          |
| Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola) | UT    | 4,800          |
| Hidden Valley Mobile Home Park (Washington)                | WW    | 2,000          |
| Jolly Roger Campground & Marina (North Liberty)            | WW    | 1,000          |
| Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)     | AQ/SW | 2,000          |
| Ben Haven Mobile Home Park (Quasqueton)                    | WS    | 500            |
| Dean Williams d/b/a Williams Oil Co. (Stuart)              | UT    | 4,800          |
| <b>TOTAL</b>   |       | <b>549,501</b> |

The following administrative penalties were paid last month:

| NAME/LOCATION   | PROGRAM | AMOUNT        |
|---|---------|---------------|
| Rod Peake (Des Moines)                                    | UT      | 600           |
| Blanchard, City of  | WS      | 275           |
| West Side Unlimited Corp.; West Side Salvage (Benton Co.) | AQ/SW   | 2,000         |
| Allan Brandhoij d/b/a Brandhoij Const. (Gilmore City)     | AQ      | 3,000         |
| *Farmers Hybrid Companies, Inc. (Keokuk Co.)              | WW      | 1,000         |
| *Farmers Hybrid Companies, Inc. (Hamilton Co.)            | WW      | 1,500         |
| Parker Oil Company (Des Moines)                           | UT      | 1,000         |
| Maple Hill Country Club (Tripoli)                         | WS      | 100           |
| Lehigh Portland Cement Co. (Mason City)                   | AQ      | 5,000         |
| Wicker Enterprises, Inc. (Polk Co.)                       | SW      | 2,000         |
| # Ronald Rechkemmer (Fayette Co.)                         | WW      | 1,500         |
| Keck, Inc. (Des Moines)                                   | UT      | 800           |
| Hanlontown, City of                                       | WS      | 150           |
| Farmers Cooperative Company (Dows)                        | AQ/SW   | 400           |
| <b>TOTAL</b>  |         | <b>19,325</b> |

The \$1,000 penalty assessed to Brian Moore d/b/a Moore Oil Co. (Des Moines) has been rescinded.

The \$275 penalty assessed to Hide-A-Way Manor (Cedar Rapids) has been rescinded.

\*Payment Schedule  
#Animal Feeding Operation



**DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
ATTORNEY GENERAL REFERRALS  
February 1, 1996**

| Name, Location<br>and Region Number                                |         | Program                    | Alleged Violation                | DNR Action                      | New or<br>Updated<br>Status  | Date  |
|--|---------|----------------------------|----------------------------------|---------------------------------|--|---|
| AMPC<br>Lytton (3)   |         | Wastewater                 | Operational Violations           | Referred to<br>Attorney General | Referred   | 8/10/94   |
| American Asbestos Training<br>Center, Ltd.<br>Cedar Rapids (1)     |         | Air Quality                | Asbestos                         | Referred to<br>Attorney General | Referred<br>Petition Filed<br>Trial Date   | 7/22/94<br>8/29/94<br>3/26/96   |
| American Asbestos Training<br>Center, Ltd.<br>Waterloo (1)         |         | Air Quality                | Asbestos                         | Referred to<br>Attorney General | Referred<br>Petition Filed<br>Trial Date   | 3/21/94<br>8/29/94<br>4/30/96   |
| DeCoster, A.J.<br>Wright Co. (2)                                   | Updated | Wastewater                 | Prohibited Discharge             | Referred to<br>Attorney General | Referred<br>Petition Filed   | 7/17/95<br>1/23/96  |
| Dunkel, Paul L.<br>Delaware Co. (1)                                |         | Solid Waste                | Illegal Disposal                 | Order/Penalty                   | Referred   | 6/19/95   |
| Economy Solar Corp.<br>Ft. Madison (6)                             | Updated | Air Quality                | Asbestos                         | Referred to<br>Attorney General | Referred<br>Petition Filed<br>Trial Date<br>Ruling (\$1,600/Civil & Injunction)<br>Notice of Appeal  | 3/21/94<br>8/29/94<br>11/06/95<br>11/30/95<br>1/03/96   |
| Economy Solar Corp.<br>Waterloo (1)                                |         | Air Quality                | Asbestos                         | Referred to<br>Attorney General | Referred<br>Petition Filed<br>Trial Date   | 3/21/94<br>8/29/94<br>4/30/96   |
| Economy Solar Corp.<br>Cedar Rapids (1)                            |         | Air Quality                | Asbestos                         | Referred to<br>Attorney General | Referred<br>Petition Filed<br>Trial Date   | 7/22/94<br>8/29/94<br>3/26/96   |
| Ervin, Don<br>Webster County (2)                                   |         | Solid Waste                | Operation Without<br>Permit      | Order/Penalty                   | Referred<br>Judgment for \$1,000<br>Execution & Order to Levy<br>Application to Condemn Funds<br>Partial Payment Received (\$331)  | 4/16/90<br>7/13/90<br>9/28/90<br>11/27/90<br>11/30/90   |
|  |         |                            | Permit<br>Violations             | Referred to<br>Attorney General | Referred<br>Temporary Injunction<br>Order of Contempt<br>Order Granting Stay<br>Contempt Reversed (Court of Appeals)<br>Application for Further Review<br>Supreme Ct. Reversed Ct of Appeals<br>Order to Serve Sentence<br>Application for Hearing<br>Order Denying Reconsideration of<br>Sentence<br>Partial Consent Decree<br>Consent Decree (\$1,000,000/Civil) | 9/16/91<br>9/18/91<br>12/20/91<br>12/26/91<br>9/29/92<br>10/16/92<br>2/17/93<br>3/17/93<br>3/18/93<br>3/19/93<br>1/10/95<br>5/30/95 |
| Hahn, Oscar<br>Solon (6)   |         | Air Quality<br>Solid Waste | Open Burning<br>Illegal Disposal | Order/Penalty                   | Referred   | 12/18/95  |
| Huyser, James; Trust Trucking<br>Lovilia (5)                       |         | Underground<br>Tank        | Site Assessment                  | Referred to<br>Attorney General | Referred   | 11/21/94  |
| Jarvis, Marjorie and Terry Strong<br>Council Bluffs (4)            |         | Underground<br>Tank        | Closure<br>Investigation         | Order                           | Referred<br>Petition Filed   | 11/15/93<br>2/14/94   |
| Klocke, Paul and Mary Kay<br>Carroll (4)                           |         | Flood Plain                | Unauthorized<br>Construction     | Order                           | Referred   | 10/16/95  |
| Lee, Harold and Evelyn<br>Keokuk Co. (6)                           |         | Wastewater                 | Prohibited Discharge             | Referred to<br>Attorney General | Referred   | 10/16/95  |
| Martinez, Vincent d/b/a<br>Martinez Sewer Service<br>Davenport (6) |         | Hazardous<br>Condition     | Remedial<br>Action               | Order/Penalty                   | Referred<br>Petition Filed<br>Partial Default Judgment (Injunction)  | 2/17/92<br>12/21/92<br>10/11/94   |

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
ATTORNEY GENERAL REFERRALS  
February 1, 1996

| Name, Location<br>and Region Number  |         | Program                | Alleged Violation                      | DNR Action                      | New or<br>Updated<br>Status  | Date   |
|--|---------|------------------------|--|---------------------------------|--|--|
| Northwood Cooperative Elevator;<br>Updated                                   |         | Hazardous<br>Condition | DNR Defendant                          | Defense                         | Suit Filed<br>DNR Answer<br>Consolidation Order<br>215.1 Order<br><u>Joint Stipulation and Order</u> | 12/07/92<br>12/28/92<br>1/05/93<br>12/22/94<br>1/16/96 |
| Worth Co. Co-op Oil  | Updated |                        |  |                                 | Suit Filed<br>DNR Answer<br>Consolidation Order<br>215.1 Order<br><u>Joint Stipulation and Order</u> | 12/07/93<br>12/28/92<br>3/10/93<br>12/22/94<br>1/16/96 |
| Amoco  | Updated |                        |  |                                 | Suit Filed<br>DNR Answer<br>Consolidation Order<br>215.1 Order<br><u>Joint Stipulation and Order</u> | 12/15/92<br>1/04/93<br>3/10/93<br>12/22/94<br>1/16/96  |
| v. IDNR  |         |                        |  |                                 |  |  |
| Orrie's Supper Club, Inc.<br>Hudson (1)                                      |         | Drinking Water         | Monitoring/Reporting;<br>Lead & Copper | Order/Penalty                   | Referred   | 10/16/95   |
| Plantation Village MHP<br>Burlington (6)                                     |         | Wastewater             | Monitoring/Reporting                   | Order/Penalty                   | Referred   | 10/16/95   |
| Rayburn Court for Mobile Homes<br>Mason City (2)                             |         | Drinking Water         | Monitoring/Reporting;<br>Lead & Copper | Order/Penalty                   | Referred<br>Petition Filed   | 11/21/94<br>5/02/95                                    |
| Reed, Verna and Don;<br>Andrea Silsby<br>Union Co. (4)                       |         | Solid Waste            | Illegal Disposal                       | Order/Penalty                   | Referred<br>Petition Filed<br>Default Judgment   | 6/20/94<br>8/10/94<br>12/12/94                         |
| Relative, Inc.; Doug Smuck<br>Des Moines (5)                                 |         | Underground<br>Tank    | Insurance Violation                    | Order/Penalty                   | Referred<br>Petition Filed   | 10/17/94<br>5/12/95                                    |
| Smith, Franklin; Smith<br>Oil Company<br>Mt. Ayr (5)                         |         | Underground<br>Tank    | Closure Investigation                  | Order/Penalty                   | Referred<br>Petition Filed<br>Trial Date   | 4/18/94<br>7/25/94<br>5/16/95                          |
| Underwood, Paul d/b/a Underwood<br>Excavating and Demolition<br>Cedar Rapids |         | Air Quality            | Asbestos                               | Order/Penalty                   | Referred   | 5/15/95  |
| Waterloo Community<br>School District<br>Waterloo (1)                        | Updated | Air Quality            | Asbestos                               | Referred to<br>Attorney General | Referred<br>Petition Filed<br>Trial Date   | 3/21/94<br>8/29/94<br>4/30/96                          |
| Wunschel Oil Co.; Vernus,<br>Jaquelyn & Mark Wunschel<br>Ida Grove (3)       |         | Tank                   | Underground<br>Site Assessment         | Order/Penalty                   | Referred   | 1/17/95  |

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
CONTESTED CASES  
February 1, 1996

| DATE<br>RECEIVED | NAME OF CASE   | ACTION APPEALED      | PROGRAM | ASSIGNED TO | STATUS   |
|------------------|--|----------------------|---------|-------------|--|
| 1-23-86          | Oelwein Soil Service   | Administrative Order | WW      | Murphy      | Hearing continued; additional testing<br>being done.       |
| 10-20-88         | Worth Co. Co-Op Oil<br>Northwood Cooperative Elevator<br>Sunray Refining and Marketing Co. | Administrative Order | HC      | Murphy      | Clean-up order issued. Appeal to be<br>dismissed. Settled. |
| 6-08-89          | Shaver Road Investments  | Site Registry        | HW      | Kennedy     | Draft consent order under review by EPA.                   |
| 6-08-89          | Hawkeye Rubber Mfg. Co.  | Site Registry        | HW      | Kennedy     | Draft consent order under review by EPA.                   |
| 6-08-89          | Lehigh Portland Cement Co.   | Site Registry        | HW      | Murphy      | Hearing continued. Discovery initiated.                    |

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
CONTESTED CASES  
February 1, 1996

| DATE RECEIVED | NAME OF CASE  | ACTION APPEALED      | PROGRAM | ASSIGNED TO | STATUS  |
|---------------|---|----------------------|---------|-------------|---|
| 10-24-89      | Farmers Cooperative Elevator Association of Sheldon         | Site Registry        | HC      | Kennedy     | Consent order signed. Awaiting appeal dismissal. Letter regarding dismissal - 12/2/95.  |
| 11-03-89      | Bridgestone/Firestone, Inc.                                 | Site Registry        | HC      | Murphy      | Hearing continued pending negotiations.   |
| 5-08-90       | Texaco Inc./Chemplex Co. Site                               | Site Registry        | HW      | -----       | Settlement proposed.  |
| 5-14-90       | Alter Trading Corp. (Council Bluffs)                        | Administrative Order | SW      | Kennedy     | EPD considering public hearings.  |
| 6-20-90       | Des Moines, City of   | NPDES Permit Cond.   | WW      | Hansen      | EPD met with City to resolve appeal issues. Follow-up with EPD regarding status - 2/96.   |
| 7-02-90       | Keokuk Savings Bank and Trust<br>Keokuk Coal Gas Site       | Site Registry        | HW      | -----       | Hearing continued.  |
| 7-30-90       | Key City Coal Gas Site;<br>& Howard Pixler                  | Site Registry        | HW      | -----       | Decision appealed (Pixler).   |
| 8-01-90       | J.I. Case Company   | Site Registry        | HW      | Preziosi    | Hearing continued.  |
| 9-12-90       | Michael & Joyce Haws;<br>George H. Gronau                   | Administrative Order | UT      | Wornson     | New party has assumed liability. Will dismiss case upon completion of SCR. SCR completed - payment dispute with consultant. Settlement meeting scheduled - 2/96.  |
| 10-15-90      | Westside General Store Corp.                                | Administrative Order | UT      | Wornson     | Evaluating inability to pay - UST fund eligibility.   |
| 12-03-90      | United States Gypsum Co.<br>Smitty's Oil                    | Site Registry        | HC      | Preziosi    | Negotiating before filing.  |
| 12-27-90      | McAtee Tire Service, Inc.                                   | Administrative Order | SW      | Kennedy     | Amended order issued 1/11/96  |
| 1-07-91       | Joe E. Eggers, Jr.; Joe and Mary Eggers                     | Administrative Order | SW      | Kennedy     | Hearing continued. Clean-up continuing.(11/95)  |
| 5-20-91       | Great Rivers Coop-Lockridge                                 | Site Registry        | HC      | Murphy      | Settlement proposed.  |
| 7-24-91       | Alter Trading Corp. (Davenport)                             | Administrative Order | SW      | Kennedy     | Permit issued. In compliance. Closed 1/11/96.   |
| 9-25-91       | Archer Daniels Midland                                      | Administrative Order | SW      | Kennedy     | DNR engineers reviewing documents.  |
| 1-17-92       | Hickory Hollow Water Co.                                    | Administrative Order | WS      | Hansen      | Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94. Letter to attorney regarding appeal closure. |
| 1-30-92       | Center Oil Co., Inc.  | Administrative Order | HC      | Murphy      | Negotiating before filing.  |
| 4-09-92       | Wayne Transports, Inc.                                      | Administrative Order | WW      | Murphy      | Negotiating before filing.  |
| 4-15-92       | Mulgrew Oil Co.   | Administrative Order | HC      | Wornson     | Settlement letter sent 8/31/94. SCR completed. Low risk monitoring site.  |
| 4-24-92       | Charles A. Kerr   | Administrative Order | UT      | Wornson     | Financial inability claimed. Warning letter sent 1/25/95.   |
| 5-05-92       | Plymouth Cooperative Oil Co.                                | Administrative Order | WW      | Murphy      | Negotiating before filing.  |
| 5-12-92       | Paris & Sons, Inc.  | Site Registry        | HC      | Murphy      | Negotiating before filing.  |
| 5-15-92       | Heartland Lysine, Inc.                                      | Tax Certification    | AQ      | Preziosi    | Negotiating before filing.  |
| 5-27-92       | Beckett Chevrolet-Olds                                      | Administrative Order | UT      | Wornson     | Financial inability claimed. Claimant completing financial documents.   |
| 6-23-92       | Chickasaw County Board of Supervisors,<br>Chickasaw Co. SLF | Administrative Order | SW      | Kennedy     | County to include closing in FY 1997 budget. Letter regarding budget sent 12/19/95.   |

| DATE RECEIVED      | NAME OF CASE  | ACTION APPEALED           | PROGRAM | ASSIGNED TO | STATUS  |
|--------------------|---|---------------------------|---------|-------------|---|
| 8-06-92            | Randy Bonin and Vickie Brannick                           | Administrative Order      | SW      | Kennedy     | Clean-up progress is slow. Appellant's attorney to reply by 3/1/96.   |
| 8-24-92            | Dean Hoeness d/b/a Hoeness & Sons                         | Administrative Order      | UT      | Wornson     | Financial inability claimed. Request documents.   |
| 9-21-92            | ITWC  | Administrative Order      | AQ      | Preziosi    | Negotiating before filing.  |
| 9-22-92            | King's Terrace MHP  | Administrative Order      | WW      | Hansen      | 8/94-Letter to facility regarding resolution of appeal. Follow-up letter to be sent - 2/96.   |
| 10-06-92           | Lloyd Decker  | Administrative Order      | SW      | Kennedy     | Hearing continued. Clean-up progressing. Next action - 5/10/96.   |
| 11-13-92           | Tracy Below   | Administrative Order      | WW      | Clark       | Hearing set for 2/13/96.  |
| 11-16-92           | Grand Laboratories Inc.                                   | Administrative Order      | WW      | Hansen      | Settled 12/18/95. Additional monitoring well to be installed. Additional monitoring to be completed per settlement agreement.   |
| 11-16-92           | Frank Hulshizer   | Administrative Order      | SW      | Kennedy     | Amended order issued 1/11/96.   |
| 12-14-92           | Quantum   | Permit Conditions         | WW      | Hansen      | 3/30/93 Dept. settlement offer made. 5/03/93 - response from company. Company collecting data. Company response submitted 12/93. EPD to review information regarding permit calculations. |
| 1-22-93            | Pirelli Armstrong Tire Co.                                | Administrative Order      | SW      | Kennedy     | FO 5 to meet with Company 2/26/96 regarding land application.   |
| 3/09-93            | James, William d/b/a Bill James Agencies                  | Administrative Order      | SW      | Kennedy     | Withdrawal of order under consideration.  |
| 3/11/93            | Land Renu, Inc.   | Administrative Order      | SW      | Wornson     | Settled.  |
| 4/05/93            | Mapleton, City of   | WW Operator Certification | WW      | Hansen      | Under review by EPD. Appeal discussion. with EPD staff - 2/96.  |
| 4/12/93            | LeMars, City of   | Administrative Order      | WW      | Hansen      | Construction permit issued. Schedule submitted by City for remaining construction found unacceptable. Request for acceptable schedule - 1/31/96.  |
| 4/19/93            | Council Bluffs, City of                                   | Permit Conditions         | WW      | Hansen      | Under review by EPD.  |
| 4/21/93            | Donald Udell  | Administrative Order      | SW      | Kennedy     | Clean-up completed. Penalty settlement due 2/29/96.   |
| 4/26/93            | Crane Co.   | Administrative Order      | SW      | Kennedy     | DNR engineers meeting with company.   |
| 6/21/93            | Jacobs Energy Corp., Inc.                                 | Permit Denial             | AQ      | Preziosi    | Sent to DIA.  |
| 7/06/93<br>7/28/93 | Dennis E. Good<br>Berniece K. Nease                       | Administrative Order      | UT      | Wornson     | 1/25/96-Letter to parties regarding new UST Fund Innocent Owner Fund.   |
| 7/09/93            | Oakwood Park Water, Inc.                                  | Administrative Order      | WS      | Hansen      | Construction permit issued 2/94. Facility to be installed by 11/30/94. Letter to attorney regarding appeal resolution - 3/96.   |
| 7/20/93            | U.S. Dept. of Defense                                     | Administrative Order      | UT      | Wornson     | SCRs on the site and several others underway. Settlement with City of Sioux City.   |
| 7/23/93            | Blue Spruce Feedlots, Inc.                                | Administrative Order      | WW      | Clark       | Settlement proposed 12/4/95. Final version consent order sent 1/10/96.  |
| 8/24/93            | Green Valley Chemical                                     | Permit Conditions         | WW      | Hansen      | Survey completed. Meeting to discuss survey 9/11/94. Under review by EPD  |
| 9/09/93            | Ames Transit Authority                                    | Permit Conditions         | AQ      | Preziosi    | Negotiating before filing.  |
| 10/15/93           | Bedford, City of  | Plant Classification      | WW      | Hansen      | Review appeal with EPD and FO - 2/96.   |
| 11/15/93           | J.P. Scherrman, Inc.                                      | Administrative Order      | UT      | Wornson     | SCR accepted. Penalty letter sent 6/14/95. No response received.  |
| 11/16/93           | Iowa Southern Utilities                                   | Permit Conditions         | AQ      | Preziosi    | Negotiating before filing.  |
| 12/13/93           | Lester R. Davis and Evelyn McKelvogue                     | Administrative Order      | AQ/SW   | Kennedy     | Satisfactory clean-up complete. Settlement penalty due 2/29/96.   |
| 12/23/93           | Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel | Administrative Order      | AQ      | Preziosi    | Negotiating before filing.  |

February 1996

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
CONTESTED CASES  
February 1, 1996

Minutes

| DATE RECEIVED | NAME OF CASE   | ACTION APPEALED      | PROGRAM | ASSIGNED TO | STATUS  |
|---------------|--|----------------------|---------|-------------|---|
| 1/03/94       | Farmers Hybrid Co., Inc.   | Administrative Order | WW      | Clark       | Settled - 1/5/96.   |
| 1/06/94       | L.F. Everett and Betty Everett   | Administrative Order | AQ      | Preziosi    | Negotiating before filing.  |
| 1/07/94       | Eli Shada  | Administrative Order | UT      | Wornson     | SCR received 1/18/96 - under review. Penalty settlement pending.  |
| 1/18/94       | M & D Tire Processing, Inc.  | Administrative Order | SW      | Kennedy     | Clean-up progressing. Penalty settlement pending.   |
| 1/20/94       | Gene Phillips d/b/a Phillips Sanitation  | Administrative Order | AQ      | Preziosi    | Negotiating before filing.  |
| 1/27/94       | Archer-Daniels-Midland   | Permit Conditions    | AQ      | Preziosi    | Negotiating before filing.  |
| 2/02/94       | John Deere Waterloo Works  | Tax Certification    | WW      | Hansen      | Letter to company regarding appeal settlement - 2/96.   |
| 2/09/94       | Harold Lee   | Administrative Order | WW      | Clark       | Settlement proposed 1/24/96.  |
| 2/14/94       | Economy Solar Corp 94-AQ-04  | Administrative Order | AQ      | Preziosi    | Judicial review decision received in favor of DNR. Appeal period still open.  |
| 2/15/94       | Riverside Plating  | Administrative Order | WW      | Hansen      | Settlement offer received from company regarding penalty. Contact company regarding settlement - 2/96.  |
| 2/21/94       | Toys "R" Us  | Administrative Order | UT      | Wornson     | SCR not received. Follow-up letter 2/2/96.  |
| 2/28/94       | Coastal Mart Davenport   | Administrative Order | UT      | Wornson     | Deficient SCR. Letter sent. Penalty on appeal.  |
| 3/03/94       | Burlington Northern Railroad   | Tax Certification    | WW      | Hansen      | Settlement letter to be sent - 2/96.  |
| 3/08/94       | Country Stores of Carroll, Ltd.; Elite Ltd.; Roger Kanne; James Pietig (Logan) (Coon Rapids) | Administrative Order | UT      | Wornson     | All SCRs received. Settlement meeting 2/5/95. DNR response due.   |
| 4/19/94       | Galva Union Elevator Co.   | Administrative Order | UT      | Wornson     | Negotiating penalty.  |
| 5/09/94       | Farmers Hybrid Co., Inc.   | Administrative Order | WW      | Clark       | Settled - 1/5/96.   |
| 5/10/94       | Dennis Malone; Joanne Malone   | Administrative Order | UT      | Wornson     | Negotiating before filing.  |
| 5/27/94       | Joseph L. Ranker ; Daryl Hollingsworth   | Administrative Order | UT      | Wornson     | Demand letter before DIA referral.  |
| 6/03/94       | Maquoketa, City of   | Administrative Order | WW      | Hansen      | 11/4/94 Construction permit issued for new facility. Construction of SBR units completed - working well. 1/8/96 letter from City requesting order be closed. 2/96 - Dept. response. |
| 6/08/94       | Larry & Kelly Miller   | Administrative Order | UT      | Wornson     | SCR submitted. Negotiating penalty.   |
| 6/15/94       | Lakeview Heights   | Permit Conditions    | WS      | Hansen      | Facility proposal under review by WS. DNR response to appeal - 2/96.  |
| 6/20/94       | R.D.J. Farms and Donald Vogt   | Administrative Order | UT      | Wornson     | SCR received - negotiating penalty.   |
| 6/24/94       | Griffith Oil Corp.   | Administrative Order | UT      | Wornson     | SCR received - negotiating penalty.   |
| 6/24/94       | Larence Otto   | Administrative Order | UT      | Wornson     | SCR overdue. Follow-up letter - 2/96.   |
| 7/07/94       | Rose Bar Tire Shredding  | Administrative Order | SW      | Kennedy     | In bankruptcy. In compliance with order.  |
| 7/12/94       | Tom Wiseman  | Administrative Order | UT      | Wornson     | Appeal untimely. Follow-up letter - 2/96.   |
| 7/15/94       | Village Oaks Homeowners  | Administrative Order | WS      | Hansen      | WS to review file for compliance. Letter to appellant regarding resolution - 3/96.  |
| 7/25/94       | ACC Chemical Co. Getty Chemical Co.  | Permit Conditions    | WW      | Hansen      | Appeal settled. Revised permit accepted by appellants. Sent to EPA for review 12/95. EPA response due 2/96.   |
| 7/27/94       | Twin View Heights 5282301  | Administrative Order | WS      | Hansen      | 7/26/95 facility in compliance. Dept. offer to reduce penalty. 2/96 - Letter to facility to resolve appeal.   |
| 8/12/94       | Karl and Thelma Boylen d/b/a Boylen's Service  | Administrative Order | UT      | Wornson     | Inability to pay - failed to return required documentation. Follow-up letter 2/96.  |

E96Feb-58

| DATE RECEIVED | NAME OF CASE  | ACTION APPEALED      | PROGRAM | ASSIGNED TO | STATUS  |
|---------------|---|----------------------|---------|-------------|---|
| 8/18/94       | Thomas Scheetz d/b/a The Depot Food & Fuel  | Administrative Order | UT      | Wornson     | SCR received - negotiating penalty.   |
| 8/29/94       | Atlantic, City of   | Administrative Order | WW      | Hansen      | Under review by EPD. Contact EPD and FO regarding appeal resolution - 2/96.   |
| 8/29/94       | B and B Tire and Oil  | Administrative Order | UT      | Wornson     | SCR received - negotiating penalty.   |
| 8/30/94       | HWH Corporation   | Permit Denial        | AQ      | Preziosi    | Negotiating before filing.  |
| 9/01/94       | Elmer R. Faust d/b/a Faust Garage & Grocery   | Administrative Order | UT      | Wornson     | SCR received - negotiating penalty.   |
| 9/02/94       | Crabtree Lake Resort  | Administrative Order | WW      | Hansen      | Compliance initiated. Contact FO for facility's compliance - 2/96.  |
| 9/06/94       | HEW, Inc.   | Administrative Order | AQ      | Preziosi    | Negotiating before filing.  |
| 9/09/94       | American Coals Corp.  | Administrative Order | SW/AQ   | Kennedy     | Bankruptcy filed. Phone conversation regarding reorganization 1/23/96.  |
| 9/15/94       | Bankston  | Administrative Order | WS      | Hansen      | 1/95-Information from City. Compliance initiated. Respond to City regarding settlement - 3/96.  |
| 9/16/94       | Wunschel Oil Co.;<br>Vernus Wunschel;<br>Jacquelyn Wunschel;<br>Mark Wunschel (Ida Grove) | Administrative Order | UT      | Wornson     | Consent order. SCR received. Revisions to SCR required - overdue. Follow-up - 2/96.   |
| 9/23/94       | Chicago and Northwestern Transportation Co.   | Administrative Order | SW/WW   | Murphy      | Negotiating before filing.  |
| 9/26/94       | James D. Foust  | Administrative Order | SW      | Kennedy     | Settlement offer made 1/23/96. Reply due 2/15/96.   |
| 10/07/94      | Titan Wheel International   | Administrative Order | WW      | Hansen      | Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report - 3/96.  |
| 10/17/94      | First United Methodist Church   | Administrative Order | AQ      | Preziosi    | Negotiating before filing.  |
| 10/19/94      | Ronald Sizemore; Mark Murphy  | Administrative Order | UT      | Wornson     | Inability to pay documented. Review for UST Fund Innocent Owner or LUST Trust Fund.   |
| 10/26/94      | Boomsma's Inc.  | Administrative Order | AQ      | Preziosi    | Negotiating before filing.  |
| 10/27/94      | George Dolan  | Administrative Order | UT      | Wornson     | SCR received - negotiating penalty.   |
| 10/27/94      | Chuck Winder d/b/a E.D.O., Inc.   | Administrative Order | AQ      | Preziosi    | Negotiating before filing.  |
| 10/31/94      | Woodbury Co. Highway Dept.  | Administrative Order | UT      | Wornson     | Negotiating before filing.  |
| 10/31/94      | Owens & Owens Realty, Inc.<br>Keith Owens; Howard Maurer                                  | Administrative Order | UT      | Wornson     | Proposed decision 10/5/95. Appealed 11/3/95. To EPC 2/96.   |
| 11/02/94      | Richard Vaughn  | Administrative Order | UT      | Wornson     | Site check received - negotiating penalty.  |
| 11/07/94      | Jerry Smith; Norma S. Nelson  | Permit Issuance      | FP      | Clark       | Proposed decision 12/07/95. No appeal. Petition for judicial review 1/22/96.  |
| 11/10/94      | Williams Pipeline Company   | Permit Denial        | AQ      | Preziosi    | Negotiating before filing.  |
| 11/14/94      | Tom Babinat d/b/a Tom's Car Care  | Administrative Order | UT      | Wornson     | Negotiating before filing.  |
| 11/23/94      | Walnut Acres Campground;<br>Fred and Fran Iben  | Permit Issuance      | FP      | Clark       | Settled - 1/12/96.  |
| 11/28/94      | Richard Beckett   | Administrative Order | UT      | Wornson     | Referral to UST Fund. Follow-up - 2/96.   |
| 12/14/94      | Campbell Clean-Up Service   | Permit Denial        | AQ      | Preziosi    | Negotiating before filing.  |
| 1/10/95       | Steenbock Rock  | Administrative Order | WS      | Hansen      | 2/95-Settlement offer by City and response by Dept. 4/95 - Dept. letter to City regarding settlement. 5/95 - Construction approved by WS section for chlorination equipment. 1/17/96 letter to City regarding resolution of appeal. |
| 1/11/95       | Henry and Randy Krohn<br>d/b/a Krohn Construction   | Administrative Order | AQ/SW   | Kennedy     | Settlement offer made. Reply due 2/15/96.   |
| 1/13/95       | Gilmore City-Bradgate Community School District   | Administrative Order | AQ      | Preziosi    | Settled.  |
| 1/13/95       | James and Roxann Neneman  | Administrative Order | UT      | Wornson     | Inability to pay. Forms sent. No response. Follow-up - 2/96.  |

February 1996

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
CONTESTED CASES  
February 1, 1996

Mission Minutes

| DATE RECEIVED | NAME OF CASE   | ACTION APPEALED      | PROGRAM | ASSIGNED TO | STATUS  |
|---------------|--|----------------------|---------|-------------|---|
| 1/13/95       | Simonsen Industries, Inc.  | Administrative Order | WW      | Hansen      | 2/28/95-Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff.            |
| 2/14/95       | Dennis Sharkey d/b/a Sharkey's Building Wrecking                       | Administrative Order | AQ      | Preziosi    | Settled.  |
| 2/23/95       | Woden-Crystal Lake Community School District                           | Administrative Order | AQ      | Preziosi    | Settled.  |
| 2/23/95       | Lehigh Portland Cement   | Permit Conditions    | WW      | Hansen      | Appellant requests informal settlement proceeding. Schedule meeting - 2/96.   |
| 2/27/95       | Sale-R-Villa Construction  | Administrative Order | AQ      | Preziosi    | Negotiating before filing.  |
| 3/23/95       | American Coals Corp.   | Administrative Order | SW      | Kennedy     | In bankruptcy. Phone conversation 1/23/96 regarding reorganization.   |
| 4/13/95       | The Weitz Corp.; Barton Solvents, Inc.                                 | Administrative Order | HC      | Kennedy     | Negotiating before filing.  |
| 4/19/95       | Otis Schultz d/b/a Schultz Oil Co.                                     | Administrative Order | UT      | Wornson     | SCR received - negotiating penalty.   |
| 4/21/95       | Randy Ballard  | Administrative Order | FP      | Clark       | Hearing set for 3/8/96.   |
| 4/26/95       | Larry Royer  | Administrative Order | WW      | Clark       | Settlement letter - 1/10/96.  |
| 4/26/95       | Central Iowa Power Cooperative (CIPCO)                                 | Permit Conditions    | SW      | Kennedy     | Permit amendment issued 10/5/95. Appeal dismissed.  |
| 4/28/95       | Perry, City of   | Administrative Order | WW      | Hansen      | Settlement close.   |
| 5/03/95       | Bacon Addition Homeowners Assn.  | Administrative Order | WS      | Clark       | Settlement contact 1/10/96.   |
| 5/04/95       | M & W Mobile Home Park   | Administrative Order | WW      | Kennedy     | Letter requesting construction schedule - 12/95. Response unsatisfactory. Hearing to be scheduled.                          |
| 5/05/95       | C & O Recycling Enterprises; Douglas W. Owen                           | Permit Denial        | AQ      | Preziosi    | Negotiating before filing.  |
| 5/19/95       | Sioux City, City of  | Administrative Order | AQ      | Preziosi    | Settled.  |
| 5/23/95       | Leonard Bormann  | Administrative Order | UT      | Wornson     | SCR received 10/26/95. Free product report overdue. Follow-up - 2/96.   |
| 5/25/95       | Ferris Sullivan d/b/a Sullivan's Sinclair                              | Administrative Order | UT      | Wornson     | SCR received - negotiating penalty.   |
| 5/25/95       | Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals | Administrative Order | HC/WW   | Kennedy     | Hearing set for 5/10/96. Cleanup continuing.  |
| 5/25/95       | E.I. DuPont DeMours (95-A-133)   | Permit Conditions    | AQ      | Preziosi    | Negotiating before filing.  |
| 5/30/95       | Marvin Rozenboom   | Administrative Order | SW      | Kennedy     | Settlement pending. Offer reply due 2/15/96.  |
| 5/30/95       | Economy Solar Corp.; Jeffrey C. Intlekofer (95-AQ-14)                  | Administrative Order | AQ      | Preziosi    | Negotiating before filing.  |
| 5/30/95       | Earth Media Technologies   | Administrative Order | SW      | Kennedy     | In the process of clean-up.   |
| 5/31/95       | E.I. DuPont DeMours (91-A-266 thru 91-A-269)                           | Permit Conditions    | AQ      | Preziosi    | Negotiating before filing.  |
| 6/05/95       | West Side Unlimited Corp.  | Administrative Order | AQ/SW   | Kennedy     | Settlement penalty received 12/95. Settled.   |
| 6/05/95       | Keck, Inc.   | Administrative Order | UT      | Wornson     | Settled.  |
| 6/06/95       | Doolittle Oil Co., Inc.  | Administrative Order | UT      | Wornson     | Settlement meeting 1/96. DNR response due.  |
| 6/07/95       | Cumberland Ridge Homeowners  | Administrative Order | WS      | Kennedy     | Awaiting penalty payment - due 3/1/96.  |
| 6/09/95       | Don Peterson d/b/a Peterson Backhoe                                    | Administrative Order | AQ      | Preziosi    | Negotiating before filing.  |
| 6/14/95       | Salsbury Chemicals   | Permit Conditions    | WW      | Hansen      | Informal meeting held 12/4/95. Company response 1/26/96. Review by WW permits to be completed 2/96. Response letter - 3/96. |
| 6/16/95       | Allison-Bristow Community School                                       | Administrative Order | AQ      | Preziosi    | Negotiating before filing.  |

E96Feb-60

| DATE RECEIVED | NAME OF CASE   | ACTION APPEALED        | PROGRAM | ASSIGNED TO | STATUS  |
|---------------|--|------------------------|---------|-------------|---|
| 6/16/95       | Allison Fire Department; City of Allison             | Administrative Order   | AQ      | Preziosi    | Negotiating before filing.  |
| 6/16/95       | Pilot Oil Corporation                                | Administrative Order   | WM/UT   | Murphy      | Negotiating before filing.  |
| 6/20/95       | Toledo, City of                                      | Permit Conditions      | WM      | Hansen      | WM permits to negotiate settlement. Status of negotiations requested 1/9/96.  |
| 6/23/95       | Leonard C. Page                                      | Administrative Order   | SW      | Kennedy     | Penalty settlement due 2/15/96.   |
| 6/29/95       | White Oaks Homeowners Assn.                          | Administrative Order   | WS      | Hansen      | Settlement letter to facility attorney 12/5/95. DNR follow-up letter 1/9/96.  |
| 7/05/95       | Boyer Valley Co.                                     | Administrative Order   | WM      | Hansen      | Informational meeting to be scheduled 2/96.   |
| 7/10/95       | Donald Krieger                                       | Administrative Order   | UT      | Wornson     | Tanks removed. Report due.  |
| 7/10/95       | Gilbert Persinger                                    | Administrative Order   | UT      | Wornson     | Compliance initiated.   |
| 7/13/95       | Organic Technologies Corp.                           | Administrative Order   | SW      | Kennedy     | Hearing set for 3/7/96.   |
| 7/28/95       | Harold T. Knott; James C. Knott                      | Administrative Order   | UT      | Wornson     | Negotiating before filing.  |
| 8/01/95       | Wilbur McNear d/b/a McNear-Oil Co.                   | Administrative Order   | UT      | Wornson     | Negotiating before filing.  |
| 8/02/95       | Maple Hills Country Club                             | Administrative Order   | WS      | Hansen      | Penalty paid 1/22/96. Settled.  |
| 8/18/95       | Holiday Mobile Lodge, Inc.                           | Administrative Order   | AQ/SW   | Kennedy     | Appellant's attorney reply due 2/29/96.   |
| 8/18/95       | Redmond Enterprises, Inc.                            | Administrative Order   | UT      | Wornson     | Compliance initiated.   |
| 8/22/95       | Grand Laboratories, Inc.                             | Permit Conditions      | WS      | Hansen      | New permit issued.  |
| 8/24/95       | Shell Rock Products, Inc.                            | Administrative Order   | AQ/SW   | Kennedy     | Negotiating before filing.  |
| 8/29/95       | Iowa City, City of                                   | Administrative Order   | WM      | Hansen      | Hearing set for 2/23/96.  |
| 8/31/95       | Bosson's Quasky Mart                                 | Administrative Order   | WS      | Hansen      | Settlement letter to facility 1/10/96.  |
| 9/06/95       | Kraft Foods Inc.; Oscar Mayer Division               | Variance Denial        | WM      | Hansen      | Informal meeting held 10/10/95. Information to be submitted by Kraft to WS section. Follow-up letter requesting information sent 1/12/96. |
| 9/12/95       | Colwell, City of                                     | Administrative Order   | WS      | Hansen      | 12/21/95 letter to City requiring 2nd round monitoring/reporting prior to penalty reduction discussions.                                  |
| 9/19/95       | Hanlontown, City of                                  | Administrative Order   | WS      | Clark       | Penalty paid 1/31/96. Settled.  |
| 9/20/95       | FKI Industries, Inc.; Fairfield Aluminum, Inc.       | Administrative Order   | WM/HC   | Murphy      | Negotiating before filing.  |
| 10/03/95      | DBM, Inc.  | Administrative Order   | AQ      | Preziosi    | Settled.  |
| 10/03/95      | Jerry McElmeel d/b/a McElmeel & Sons Const.          | Administrative Order   | AQ      | Preziosi    | Negotiating before filing.  |
| 10/09/95      | E.L. Incorporated                                    | Administrative Order   | SW      | Kennedy     | Appellant no longer accepting waste. Renewal permit may be requested.   |
| 10/17/95      | Tri-County Bank                                      | Administrative Order   | AQ      | Preziosi    | Negotiating before filing.  |
| 10/17/95      | Weber Construction, Inc.                             | Administrative Order   | AQ      | Preziosi    | Negotiating before filing.  |
| 10/20/95      | Central Community School District                    | Administrative Order   | AQ      | Preziosi    | Negotiating before filing.  |
| 11/01/95      | Sivyer Steel Corp.                                   | Permit Denial          | AQ      | Preziosi    | Negotiating before filing.  |
| 11/02/95      | Salsbury Chemicals, Inc.                             | Permit Conditions      | WM      | Hansen      | Informal meeting held 12/4/95. Company response 1/26/96. Review by WM permits to be completed 2/96.                                       |
| 11/03/95      | Jack Pinney Operations, Inc. aka Jack Pinney Grading | Administrative Order   | AQ      | Preziosi    | Negotiating before filing.  |
| 11/14/95      | Farmers Cooperative Co.                              | Administrative Order   | AQ/SW   | Kennedy     | Penalty paid 1/31/96. Settled   |
| 11/14/95      | Larson Contracting, Inc.                             | Administrative Order   | AQ/SW   | Kennedy     | Settlement reply letter due 2/15/96.  |
| 11/14/95      | Mike Barker  | GW Professional Denial | UT      | Wornson     | Negotiating before filing.  |



February 1996

## Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES  
 ENVIRONMENTAL PROTECTION COMMISSION  
 CONTESTED CASES  
 February 1, 1996

| DATE RECEIVED | NAME OF CASE   | ACTION APPEALED      | PROGRAM | ASSIGNED TO | STATUS                                     |
|---------------|--|----------------------|---------|-------------|--|
| 11/16/95      | Enviro Safe Air, Inc.  | Administrative Order | AQ      | Preziosi    | Settled.                                   |
| 12/01/95      | Clay Contractors, Inc.   | Administrative Order | AQ      | Preziosi    | Negotiating before filing.                 |
| 12/12/95      | Vernon Kinsinger<br>K & K Sanitation                                 | Administrative Order | AQ/SW   | Kennedy     | Negotiating informal settlement.           |
| 12/13/95      | Roy Burger   | Administrative Order | UT      | Wornson     | Compliance complete - negotiating penalty. |
| 12/15/95      | Ben Dawson   | Administrative Order | AQ/SW   | Kennedy     | Penalty settlement received. Settled.      |
| 12/15/95      | Brian Moore<br>d/b/a Moore Oil Co.                                   | Administrative Order | UT      | Wornson     | Appeal dismissed. Closed.                  |
| 12/18/95      | Omega Cabinets   | Permit Denial        | AQ      | Preziosi    | New case.                                  |
| 12/22/95      | Curry Environmental Services<br>95-AQ-43                             | Administrative Order | AQ      | Preziosi    | New case.                                  |
| 12/27/95      | Ag Processing, Inc.  | Permit Denial        | AQ      | Preziosi    | New case.                                  |
| 12/28/95      | Marvin Wernimont<br>Filter Friend Recycling                          | Administrative Order | AQ/SW   | Kennedy     | Negotiating before filing.                 |
| 12/29/95      | Spencer Memorial Hospital  | Administrative Order | AQ      | Preziosi    | New case.                                  |
| 1/04/96       | Catherine E. Meredith  | Administrative Order | UT      | Wornson     | New case.                                  |
| 1/04/96       | Massena, City of   | Administrative Order | WM      | Clark       | New case.                                  |
| 1/08/96       | Westside Park for Mobile Homes                                       | Administrative Order | WM      | Hansen      | New case.                                  |
| 1/11/96       | Climax Molybdenum Company  | Administrative Order | AQ/HC   | Preziosi    | New case.                                  |
| 1/12/96       | Clarence, City of  | Administrative Order | WM      | Hansen      | New case.                                  |
| 1/17/96       | All-States Quality Foods, L.P.                                       | Administrative Order | WM      | Murphy      | New case.                                  |
| 1/18/96       | Neola Light & Water  | Administrative Order | WS      | Hansen      | New case.                                  |
| 1/19/96       | Bill Shirbroun d/b/a Was<br>Broken Pallet                            | Administrative Order | AQ/SW   | Kennedy     | New case.                                  |
| 1/22/96       | Daryl Hollingsworth and<br>Karen Hollingsworth d/b/a<br>Medora Store | Administrative Order | UT      | Wornson     | New case.                                  |
| 1/24/96       | Jolly Roger Campground   | Administrative Order | WM      | Clark       | New case.                                  |
| 1/25/96       | Hidden Valley MHP  | Administrative Order | WM      | Clark       | New case.                                  |
| 1/25/96       | Markley Knock d/b/a<br>Knock's Building Supply                       | Administrative Order | AQ/SW   | Kennedy     | New case.                                  |
| 1/30/96       | Dean Williams d/b/a<br>Williams Oil Co.                              | Administrative Order | UT      | Wornson     | New case.                                  |
| 1/31/96       | Ben Haven Mobile Home Court  | Administrative Order | WS      | Hansen      | New case.                                  |

Mr. Stokes reviewed the various reports and noted that the RBCA rules will come before the Commission in April. He pointed out that the UST Hazardous Conditions Report numbers are lower than they have been in previous years and the cleanup list is growing. He related that the numbers indicate good progress is being made in the UST program.

Discussion followed on cases going back to 1991. Mr. Murphy noted that most of those continued cases involve contaminated site cleanup and appeals that have been made. He added that the appeals are held open, without a formal hearing, if the party is taking steps to comply, and the site investigations can cover a lengthy span of time.

|                           |
|---------------------------|
| <b>INFORMATIONAL ONLY</b> |
|---------------------------|

### **REFERRALS TO THE ATTORNEY GENERAL**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Postville Pork (Allamakee County) - water pollution
- c. Union Pacific Rail Road/ Blue Chip Enterprises (Iowa Falls) - site contamination

### **Postville Pork**

Mr. Murphy stated that in September 1995, staff investigated a complaint of stream pollution and documented that pollutants had entered Williams Creek through a tile line. The wastes had gotten into a tile line during and after land application, through an animal burrow. He noted that staff have been attempting to negotiate a settlement without referral but it has not been accomplished due to the monetary amount of the fish kill in this case. He related that the monetary amount of the fish kill is not under the purview of the Commission, noting that it is up to the Fish and Wildlife Division to recoup those monies.

Discussion followed regarding negotiations on the fish kill amount by F & W, and also on the amount of penalties assessed.

Discussion followed regarding the species of fish killed and their role in the food chain, how the count is taken on the fish kill, and the description of the stream.

**Appointment - Dr. Pat Boe**

Dr. Pat Boe, veterinarian and General Manager of Postville Pork, stated that the application of the manure was done in all generally accepted procedures, noting that they were 400 yards away from the stream when the manure was applied. He related that it was applied at the proper rate but due to an unseen gopher hole some manure got down into a dry tile line and washed into the stream. He noted that he is concerned about the fish kill count and feels it is overestimated. He also expressed concern about the overwhelming amount that has to be reimbursed by the fish kill. He stated that the IDNR considers these fish "junk fish," and if caught while fishing they must be destroyed or thrown on the bank for the raccoon to eat. He expressed concern about not knowing the amount of the fines yet and related that the incident was an accident and there was no malice intended.

Gary Priebe asked how many gallons of waste was discharged.

Dr. Boe stated that he has records of the discharged amount in his office. He indicated that it rained that night and washed the manure into a gopher hole and into the stream. He stated that when DNR investigators do a fish count they should have one of the involved parties along with them. He once again questioned the accuracy of the number of fish killed. Discussion followed regarding the amount of rainfall.

Chairperson King reiterated that the Commission has jurisdiction over the administrative penalties but not over the fish kill damages.

The Commission decided to go into closed session to discuss penalty amounts.

**Closed Session**

*Motion was made by Terrance Townsend to go into closed session pursuant to Iowa Code Section 21.5(1)c to discuss strategy with counsel in matters where litigation is imminent where disclosure would be likely to prejudice or disadvantage the position of the government. Seconded by Charlotte Mohr.*

*Chairperson King requested a roll call vote. "Aye" vote was cast by Commissioners Draeger, Ehm, Fesler, Mohr, Murphy, Priebe, Townsend, and King. Motion carried unanimously.*

*Motion was made by Charlotte Mohr to adjourn the closed session and return to open session. Seconded by Terrance Townsend. Motion carried unanimously.*

**Open Session**

Chairperson King announced the that Commission discussed the issues but did not take any action during closed session.

*Motion was made by Terrance Townsend to table the referral for 60 days to allow staff and the involved party to resolve the issue administratively. Seconded by Charlotte Mohr. Motion carried unanimously.*

**TABLED FOR 60 DAYS**

Chairperson King informed Dr. Boe that if a settlement does not occur within 60 days they will be brought back before the Commission for referral to the Attorney General's Office.

**TITLE V AIR PROGRAM BUDGET AND FEES**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided information as to budget performance to date for the air quality program. They will also be provided information forecasting budgetary needs for state fiscal year 1997 and corresponding air quality operating permit fees which would be needed to generate revenues to support the program. This will be provided to the Commission for information only at this meeting. The Commission will be asked to render decisions on these matters at their March meeting.

Mr. Stokes distributed a Draft 1997 Air Quality Budget and explained that it is primarily in relation to what will be done about fees. He reviewed that there will be no need to collect the remaining one-half of the \$24/ton fees for FY96. He related that the fees will now be collected based on a state fiscal year basis as opposed to a federal fiscal year basis. He explained details of the draft budget. Mr. Stokes noted that the entire Air Quality Bureau will be moved into office space available in the old Massey-Ferguson building on Fleur and Bell Avenue. He added that the move should be completed by June. Mr. Stokes reported that staff will be meeting with the task force of interested parties to go over the draft budget with them.

**INFORMATIONAL ONLY**

**NOTICE OF INTENDED ACTION--CHAPTER 22, DEFERRAL OF TITLE V FEE PAYMENT FOR DEFERRED STATIONARY SOURCES**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Notice of intended Action for amendments clarifying that sources presently deferred from the requirement to obtain a Title V permit (sources which are neither a major source, nor an affected (acid rain) source, nor a solid waste incineration unit required to obtain a permit pursuant to section 129(e) of the Act) are not required to pay the Title V fee until such time as the deferral expires. The deferral expires April 20, 1999.

**ENVIRONMENTAL PROTECTION COMMISSION [567]  
Notice of Intended Action**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 22, "Controlling Pollution," Iowa Administrative Code.

The requirement to obtain a Title V operating permit is currently deferred for all sources otherwise required to obtain a permit that are neither major sources, nor acid rain affected sources, nor solid waste incineration units required to obtain a permit pursuant to section 129(e) of the Act, until April 20, 1999 (five years from the effective date of rule 22.101(455B)). Therefore, this amendment proposes to exempt these sources from the requirement to pay the Title V permit fee until such time as these sources are required to apply for Title V permits.

This amendment may impact small business.

This amendment is intended to implement Iowa Code section 455B.133.

The following amendment is proposed.

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ITEM 1. Amend rule 22.106(455B) by adding the following new subrule:

**22.106(6)** Title V deferred stationary sources. No fee shall be required to be paid for emissions until the year which sources deferred under subrule 22.101(2) are required to apply for a Title V permit. Fees shall be paid for the emission year preceding the year in which the application is due and thereafter.

Mr. Stokes presented details of the rules.

*Motion was made by Michael Fesler to approve Notice of Intended Action--Chapter 22, Deferral of Title V Fee Payment for Deferred Stationary Sources. Seconded by Kathryn Murphy. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**NOTICE OF INTENDED ACTION--CHAPTER 61, WATER QUALITY STANDARDS -  
STREAM USE DESIGNATIONS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval of the attached NOIA is requested. The Notice would initiate rulemaking to:

- establish Class B aquatic uses for 32 stream segments,
- establish protected flows for nine of the 32 stream segments,
- amend the use classification of one stream segment from Class B(WW) to Class B(LR),
- designate one stream segment as a HQR (high quality resource) water, and
- establish Class A (primary body contact recreation) uses for two stream segments.

The rule amendments being proposed reflect stream assessment work conducted by Department staff in 1995. Background material on stream uses and the procedures used to assess streams for Class B aquatic uses is attached for informational purposes. The 1995 assessment work is the seventh round of stream assessments since 1990 when the Commission adopted the present use classifications.

Also attached is a list of facilities with discharge permits that could be affected if the stream use classifications as proposed are adopted. The list also indicates which parameters could be of concern insofar as these facilities' discharge permits.

#### **ENVIRONMENTAL PROTECTION COMMISSION [567] Notice of Intended Action**

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 61, "Water Quality Standards," Iowa Administrative Code.

The amendments as proposed will: i) revise the rule referenced document, "Iowa Water Quality Standards: Protected Flows For Selected Stream Segments" and ii) establish designated uses for various water bodies for the purpose of applying existing surface water quality criteria.

Item 1 will amend subrule 61.2(5) to reflect a new publication date on the document "Iowa Water Quality Standards: Protected Flows for Selected Stream Segments." This document is being revised to establish protected flows for nine of the stream segments referenced in Item 2 of this Notice. Numerical water quality standards must normally be met when the flow in the receiving stream equals or exceeds the seven-day, ten-year low flow. However, subrule 61.2(5) allows that under certain conditions the seven-day, ten-year low flow may be waived and a numerically higher value may be established. Minimum flows established under this waiver provision are published in the referenced document. A copy of this document is on file with the Iowa Administrative Rules Coordinator.

The amendments proposed in Item 2 will establish designated uses for 32 stream segments. The amendments represent the seventh round of a multi-year effort to establish stream use

designations in accordance with the classifications adopted by the Commission in May 1990 and currently found in subrule 61.3(1). The 32 stream segments listed under Item 2 generally are streams that are currently considered general use waters but which would be designated as either Class B(LR) Limited Resource warm waters or Class B(WW) Significant Resource warm waters if the proposed amendments are approved. A portion of one stream (Upper Iowa River) would be designated as a high quality resource (HQR) water and portions of two streams (Upper Iowa and Des Moines Rivers) would be designated as Class A (primary body contact recreation) waters.

Item 3 will modify the designated use for a portion of Brushy Creek, a tributary to the Middle Raccoon River, and establish a designated use for an additional segment of this stream which is currently considered a general use water. A portion of Brushy Creek is currently designated as a Class B(WW) Significant Resource water. This designated use is erroneous as field assessments indicate this should be a Class B(LR) Limited Resource water. The Class B(LR) use would also be established for an upstream portion of Brushy Creek.

Any person may submit written suggestions or comments on the proposed rule changes through April 10, 1996. Such written material should be submitted to Ralph Turkle, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034, or FAX (515)281-8895. Persons who have questions may contact Ralph Turkle at (515)281-7025.

Persons are invited to present oral or written comments at public hearings which will be held at the following locations at the indicated times:

Cherokee - 11:00AM, April 2, 1996, Cherokee Community Center, 530 W. Bluff St.  
Emmetsburg - 2:00PM, April 2, 1996, City Hall meeting room, 2021 Main St.,  
Forest City - 9:30AM, April 3, 1996, Liberty Bank Community Room, 102 N. Clark  
Calmar - 4:00PM, April 3, 1996, City Hall meeting room, 101 S. Charles.

These amendments may have an impact upon small businesses.

Copies of Environmental Protection Commission rules may be obtained from Sara Detmer, Records Center, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034.

These amendments are intended to implement Iowa Code chapter 455B, division III, part 1.

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ITEM 1. Amend subrule 61.2(5), first unnumbered paragraph, to reflect the revised date for the rule referenced document as follows:

The minimum flows, commonly termed protected flows, are presented in "Iowa Water Quality Standards: Protected Flows For Selected Stream Segments," dated ~~February 1, 1995~~ April 1,

1996. A copy of this document is available upon request from the department. A copy is also on file with the Iowa Administrative Rules Coordinator.

ITEM 2. Insert the following into paragraph 61.3(5)"e" in its natural sequence or hydrological order:

e.

#### WESTERN IOWA RIVER BASINS

Western Iowa River Basins (Missouri, Big Sioux, and Little Sioux Rivers)

The streams or stream segments named below in alphabetical order are referenced within the Water Use Designations for the Western Iowa River Basins. Reference numbers provided in the alphabetical list correspond to numbered stream segments in the Water Use Designations.

|                     |                               |                              |
|---------------------|-------------------------------|------------------------------|
| Boyer R. - 2        | Maple R. - 4                  | West Fork Little Sioux R - 7 |
| Boyer R. - 1        | Maple R. - 5                  |                              |
| Little Sioux R. - 3 | Monona Harrison Co. Ditch - 6 |                              |

| WESTERN<br>MAJOR RIVER - MISSOURI R. AND ITS TRIBUTARIES<br>BOYER R. AND ITS TRIBUTARIES   | A | B(WW) | B(LR) | B(LW) | B(CW) | C | HQ | HQR |
|--|---|-------|-------|-------|-------|---|----|-----|
| Boyer R.   |   |       |       |       |       |   |    |     |
| 1. Confluence with East Boyer R. (Crawford Co.) to confluence with an unnamed tributary (S1/2, S33, T88N, R37W, Sac Co.)                           |   | X     |       |       |       |   |    |     |
| Boyer R.   |   |       |       |       |       |   |    |     |
| 2. Confluence with an unnamed tributary (S33, T88N, R37W, Sac Co.) to confluence with an unnamed tributary (SE1/4, SW1/4, S5, T89N, R37W, Sac Co.) |   |       | X     |       |       |   |    |     |

| WESTERN<br>MAJOR RIVER - MISSOURI R. AND ITS TRIBUTARIES<br>MONONA-HARRISON DITCH AND ITS TRIBUTARIES                   | A | B(WW) | B(LR) | B(LW) | B(CW) | C | HQ | HQR |
|---|---|-------|-------|-------|-------|---|----|-----|
| LITTLE SIOUX R. AND ITS TRIBUTARIES   |   |       |       |       |       |   |    |     |
| Little Sioux R.   |   |       |       |       |       |   |    |     |
| 3. West Line, S17, T96N, R36W, Clay Co. to confluence with West Fork Little Sioux River (Dickinson co.)                 |   | X     |       |       |       |   |    |     |
| Maple R.  |   |       |       |       |       |   |    |     |
| 4. Mouth (S17, T83N, R44W, Monona Co.) to confluence with Silver Cr. (S13, T88N, R40W, Ida Co.)                         |   | X     |       |       |       |   |    |     |
| Maple R.  |   |       |       |       |       |   |    |     |
| 5. Confluence with Silver Cr. (S13, T88N, R40W, Ida Co.) to confluence with Maple Cr. (S5, T91N, R39W, Cherokee Co.)    |   |       | X     |       |       |   |    |     |
| MONONA-HARRISON DITCH AND ITS TRIBUTARIES   |   |       |       |       |       |   |    |     |
| Monona Harrison Co. Ditch   |   |       |       |       |       |   |    |     |
| 6. Mouth (S21, T81N, R45W, Harrison Co.) to confluence with W. Fk. L. Sioux River (Ditch) (S12, T84N, R45W, Monona Co.) |   | X     |       |       |       |   |    |     |
| West Fork Little Sioux R.   |   |       |       |       |       |   |    |     |
| 7. Mouth (S12, T84N, R45W, Monona Co.) to confluence with an unnamed tributary (S3,                                     |   |       | X     |       |       |   |    |     |



|  |  |  |  |  |  |
|--|--|--|--|--|--|
|  |  |  |  |  |  |
|--|--|--|--|--|--|

The stream segment named below is referenced within the Water Use Designations for the Southern Iowa River Basins.

| A | B(WW) | B(LR) | B(LW) | B(CW) | C | HQ | HQR |
|---|-------|-------|-------|-------|---|----|-----|
|   |       | X     |       |       |   |    |     |

1. Mouth (S26, T71N, R20W, Lucas Co.) to confluence with an unnamed tributary (S10, T71N, R20W, Lucas Co.)

Des Moines River Basin (Lower Des Moines River, Upper Des Moines River, East Fork Des Moines River, Blue Earth River, and Raccoon River Subbasins).

|              |                              |
|--------------|------------------------------|
| Boone R. - 2 | Des Moines R. - 1            |
| Boone R. - 3 | Old Channel - Des Moines - 4 |

| A | B(WW) | B(LR) | B(LW) | B(CW) | C | HQ | HQR |
|---|-------|-------|-------|-------|---|----|-----|
| X | X     |       |       |       |   |    |     |
|   | X     |       |       |       |   |    |     |
|   |       | X     |       |       |   |    |     |
|   |       |       |       |       |   |    |     |
|   | X     |       |       |       |   |    |     |

Boone R.  
3. Confluence with Middle Branch Boone R. (Wright Co.) to confluence with Drainage Ditch No. 10 (S29, T95N, R26W, Hancock Co.)

4. Mouth (S26, T95N, R32W, Palo Alto Co.) to confluence with Ditch No. 41 (S29, T95N, R32W, Palo Alto Co.)

The stream segment named below is referenced within the Water Use Designations for the Skunk River Basin.

| A | B(WW) | B(LR) | B(LW) | B(CW) | C | HQ | HQR |
|---|-------|-------|-------|-------|---|----|-----|
|   |       | X     |       |       |   |    |     |

1. Mouth (S34, T72N, R11W, Jefferson Co.) to  
confluence with an unnamed tributary  
(NE1/4, S5, T71N, R11W, Jefferson Co.)

## IOWA-CEDAR RIVER BASIN

The streams or stream segments named below in alphabetical order are referenced within the Water Use Designations for the Iowa-Cedar River Basin. Reference numbers provided in the alphabetical list correspond to numbered stream segments in the Water Use Designations.

Linn Cr. - 4                                      South Fork Iowa River - 6                                      Winnebago R. - 2  
South Fork Iowa River - 5                      W. Fk. Cedar R. - 1                                      Winnebago R. - 3

| IOWA-CEDAR<br>MAJOR RIVER - MISSISSIPPI R. AND ITS TRIBUTARIES<br>CEDAR R. AND ITS TRIBUTARIES |  | A | B(WW) | B(LR) | B(LW) | B(CW) | C | HQ | HQR |
|--|--|---|-------|-------|-------|-------|---|----|-----|
| 1.   | W. Fk. Cedar R.<br>Confluence with Maynes Cr. (Butler Co.)<br>to juncture of Beaverdam and Bailey<br>Creeks (Franklin Co.) |   | X     |       |       |       |   |    |     |
| 2.   | Winnebago R.<br>Upper extent of Mill Pond at<br>Fertile to confluence with Pike Run<br>(S25, T99N, R24W, Winnebago Co.)    |   | X     |       |       |       |   |    |     |

| IOWA-CEDAR<br>MAJOR RIVER - MISSISSIPPI R. AND ITS TRIBUTARIES<br>CEDAR R. AND ITS TRIBUTARIES |  | A | B(WW) | B(LR) | B(LW) | B(CW) | C | HQ | HQR |
|--|--|---|-------|-------|-------|-------|---|----|-----|
| 3.   | Winnebago R.<br>Confluence with Pike Run (S25,<br>T99N, R24W, Winnebago Co.) to state<br>line  |   |       | X     |       |       |   |    |     |
| IOWA R. ABOVE CEDAR R. AND ITS TRIBUTARIES   |  |   |       |       |       |       |   |    |     |
| 4.   | Linn Cr.<br>Mouth (S30, T84N, R17W, Marshall Co.) to<br>confluence with an unnamed tributary (W1/2,<br>NE 1/4, S5, T83N, R19W, Marshall Co.)                                     |   |       | X     |       |       |   |    |     |
| 5.   | South Fork Iowa River<br>Mouth (S4, T86N, R19W, Hardin Co.) to<br>confluence with an unnamed tributary (W1/2,<br>S19, T88N, R21W, Hardin Co.)                                    |   | X     |       |       |       |   |    |     |
| 6.   | South Fork Iowa River<br>Confluence with an unnamed tributary (W1/2,<br>S19, T88N, R21W, Hardin Co.) to confluence<br>with an unnamed tributary (S11, T88N, R22W,<br>Hardin Co.) |   |       | X     |       |       |   |    |     |

## NORTHEASTERN IOWA RIVER BASINS

Northeastern Iowa River Basins (Wapsipinicon River, Maquoketa River, North Fork Maquoketa River, Turkey River, Volga River, Yellow River, and Upper Iowa River Subbasins).

The streams or stream segments named below in alphabetical order are referenced within the Water Use Designations for the Northeastern Iowa River Basins. Reference numbers provided in the alphabetical list correspond to numbered stream segments in the Water Use Designations.

Buffalo Cr. - 3                                      Turkey R. - 7                                      Upper Iowa R. - 11  
Buffalo Cr. - 4                                      Turkey R. - 8                                      Upper Iowa R. - 12  
Crane Cr. - 5                                      Turkey R. - 9                                      Wapsipinicon R. - 1  
Crane Cr. - 6                                      Upper Iowa R. - 10                                      Wapsipinicon R. - 2

| NORTHEASTERN<br>MAJOR RIVER - MISSISSIPPI R. AND ITS TRIBUTARIES<br>WAPSIPINICON R. AND ITS TRIBUTARIES |   | A | B(WW) | B(LR) | B(LW) | B(CW) | C | HQ | HQR |
|---|---|---|-------|-------|-------|-------|---|----|-----|
| Wapsipinicon R.   |   |   |       |       |       |       |   |    |     |
| 1.  | Confluence with Little Wapsipinicon R. (Chickasaw Co.) to confluence with Watsons Cr. (S25, T99N, R15W, Mitchell Co.)                           |   | X     |       |       |       |   |    |     |
| Wapsipinicon R.   |   |   |       |       |       |       |   |    |     |
| 2.  | Confluence with Watsons Cr. (S25, T99N, R15W, Mitchell Co.) to town of McIntire.  |   |       | X     |       |       |   |    |     |
| Buffalo Cr.   |   |   |       |       |       |       |   |    |     |
| 3.  | Upper extent of Coggon Impoundment to confluence with an unnamed tributary (N1/2, S27, T88N, R7W, Buchanan Co.)                                 |   | X     |       |       |       |   |    |     |
| Buffalo Cr.   |   |   |       |       |       |       |   |    |     |
| 4.  | Confluence with an unnamed tributary (N1/2, S27, T88N, R7W, Buchanan Co.) to confluence with an unnamed tributary (S6, T88N, R7W, Buchanan Co.) |   |       | X     |       |       |   |    |     |

| NORTHEASTERN<br>MAJOR RIVER - MISSISSIPPI R. AND ITS TRIBUTARIES<br>WAPSIPINICON R. AND ITS TRIBUTARIES |   | A | B(WW) | B(LR) | B(LW) | B(CW) | C | HQ | HQR |
|---|---|---|-------|-------|-------|-------|---|----|-----|
| Crane Cr.   |   |   |       |       |       |       |   |    |     |
| 5.  | Mouth (S31, T95N, R9W, Fayette Co.) to confluence with Spring Cr. (S17, T97N, R12W, Howard Co.)                                     |   | X     |       |       |       |   |    |     |
| Crane Cr.   |   |   |       |       |       |       |   |    |     |
| 6.  | Confluence with Spring Cr. (S17, T97N, R12W, Howard Co.) to confluence with an unnamed tributary (S7, T99N, R13W, Howard Co.)       |   |       | X     |       |       |   |    |     |
| TURKEY R. AND ITS TRIBUTARIES   |   |   |       |       |       |       |   |    |     |
| Turkey R.   |   |   |       |       |       |       |   |    |     |
| 7.  | Confluence with Bohemian Cr. (Winneshiek Co.) to Vernon Springs (road crossing S34, T99N, R11W, Howard Co.)                         |   | X     |       |       |       |   | X  |     |
| Turkey R.   |   |   |       |       |       |       |   |    |     |
| 8.  | Vernon Springs (road crossing, S34, T99N, R11W, Howard Co.) to confluence with North Branch Turkey R. (S31, T99N, R11W, Howard Co.) |   | X     |       |       |       |   |    |     |
| Turkey R.   |   |   |       |       |       |       |   |    |     |
| 9.  | Confluence with North Branch Turkey R. to confluence with South Branch Turkey R. (S2, T98N, R12W, Howard Co.)                       |   |       | X     |       |       |   |    |     |
| UPPER IOWA R. AND ITS TRIBUTARIES   |   |   |       |       |       |       |   |    |     |
| Upper Iowa R.   |   |   |       |       |       |       |   |    |     |
| 10.   | Confluence with Silver Cr. (Winneshiek Co.) to Winneshiek-Howard County line  | X | X     |       |       |       |   |    | X   |
| Upper Iowa R.   |   |   |       |       |       |       |   |    |     |
| 11.   | Winneshiek-Howard Co. line to river mile 86 (NE1/4, S12, T100N, R13W, Howard Co.)   |   | X     |       |       |       |   |    | X   |
| Upper Iowa R.   |   |   |       |       |       |       |   |    |     |
| 12.   | River mile 86 (NE1/4, S12, T100N, R13W, Howard Co.) to state line (S11, T100N, R14W, Howard Co.)                                    |   | X     |       |       |       |   |    |     |

Item 3. Modify the following stream designation.

## DES MOINES RIVER BASIN

Brushy Cr.  
Mouth (Guthrie Co.) to the  
Guthrie/Audubon Co. line confluence  
with an unnamed tributary (S6, T82N, R34W,  
Carroll Co.).

| A | B(WW) | B(LR) | B(LW) | B(CW) | C | HQ | HQR |
|---|-------|-------|-------|-------|---|----|-----|
|   | X     | X     |       |       |   |    |     |

### Point Source Discharges Potentially Affected by Round 7 Stream Use Classifications

The following table lists wastewater treatment facilities that could be affected by the Round 7 stream use classifications being proposed. Included are the parameters (e.g., ammonia) that may require water quality based discharge limits to insure that the water quality standards associated with those uses will be met except when the flow of the receiving stream is below the  $7Q_{10}$  or protected flow.

The facilities listed below currently have discharge permits based on pre-1990 use classifications and permit derivation procedures. Until such time as the permit limits are recalculated using the proposed use classifications and current permit derivation procedures, it will not be known if the proposed stream use classifications will result in more (or less) stringent permit limits for these facilities.

| Discharger  | Treatment Type   | Receiving Stream        | Proposed Use Designation | Affected Parameter(s)  |
|-------------|------------------|-------------------------|--------------------------|------------------------|
| Aurelia     | Trickling Filter | Maple River             | Class B(LR)              | Ammonia                |
| Emmetsburg  | Rot. Bio. Cont.  | Des Moines River        | Class A & B(WW)          | Ammonia, *Fecals, †TRC |
| Estherville | Trickling Filter | Des Moines River        | Class A & B(WW)          | Ammonia, *Fecals, †TRC |
| Forest City | Rot. Bio. Cont.  | Winnebago River         | Class B(WW)              | Ammonia                |
| Ida Grove   | Rot. Bio. Cont.  | Maple River             | Class B(WW)              | Ammonia                |
| Kingsley    | Aerated Lagoon   | W.F. Little Sioux River | Class B(LR)              | Ammonia                |
| Mapleton    | Activated        | Maple River             | Class                    | Ammonia                |

|                |                   |                         |             |         |
|----------------|-------------------|-------------------------|-------------|---------|
|                | Sludge            |                         | B(WW)       |         |
| Moville        | Aerated Lagoon    | W.F. Little Sioux River | Class B(LR) | Ammonia |
| Winnebago Ind. | Industrial Lagoon | Winnebago River         | Class B(WW) | Metals  |

\* Fecals - fecal coliform bacteria

† TRC - total residual chlorine

### Stream Use Designation Assessments

*Synopsis: The Clean Water Act requires that water quality in the nation's streams be good enough to provide for various uses, including the protection and propagation of fish and shellfish and water-based recreation. Individual states have the responsibility and flexibility to better define what uses need protection and can thus tailor pollution prevention programs to their particular needs and situation. Iowa has adopted use classifications which meet national guidelines and which provide for the protection of aquatic life, water-based recreation, and drinking water supplies. Aquatic use classifications are further subdivided to reflect the differing aquatic communities typically found in Iowa waters. Assessing warmwater streams for the appropriate use classifications involves field evaluations of habitat and the aquatic species using rapid bioassessment methodology. Use classifications are published as rules and must be adopted through formal rulemaking procedures.*

#### Background - Why are Stream Uses Classifications Needed?

The objective of the Federal Clean Water Act is to "...restore and maintain the chemical, physical and biological integrity of the Nation's waters." Although the Act establishes an ultimate national goal of eliminating any discharge of pollutants into the nation's waters, it also establishes an interim goal, wherever attainable, of water quality which will provide for the protection and propagation of fish, shellfish and wildlife and provides for recreation in and on the water. In other words, while it is preferable to have no discharge of pollutants at all, discharge controls must, at a minimum, insure a level of water quality to support viable populations of aquatic organisms and to provide for water-based recreation. This is often referred to as the "fishable, swimmable" goal of the Act.

The Clean Water Act recognizes the inherent role of States in preventing pollution and planning the development and use of land and water resources. States are allowed flexibility in defining what uses the discharge controls mandated by the Act must protect. Although waterbody uses established by States must fall within the broad framework of the Act, this deference to states recognizes regional differences in the levels of controls needed to achieve the "fishable, swimmable" goal. For instance, the discharge controls needed to protect a salmon-spawning stream in the Pacific Northwest would generally be more stringent than those required to protect the aquatic organisms of the East Nishnabotna River in southwest Iowa. Imposing the same discharge limits on an industry in southwest Iowa as an industry discharging to a salmon-spawning stream would not be required to achieve the "fishable" goal since the Nishnabotna is not physically capable of sustaining a salmon fishery regardless of how "clean" the water is. By adopting use classifications representative of their needs and the aquatic populations found there, states can insure that discharge controls implemented will not be more or less stringent than needed to protect (or restore) those uses and resources. Iowa's water quality standards reflect the maximum levels of pollutants which can be present in a water before a use will be impaired.

Use classifications adopted by states can and do vary considerably but all classification systems must take into consideration the use and value of the water for public water supplies; the protection and propagation of fish, shellfish and wildlife; recreation in and on the water; agriculture; industries; and other purposes such as navigation. Waste transport or waste assimilation is not considered an appropriate use.

### **Use Designations for Iowa Waters**

Water quality standards adopted by the Environmental Protection Commission establish three principle classes of designated uses for waters within the state. They are:

- Class A, primary body contact recreation (e.g., swimming, boating and water skiing)
- Class B, aquatic life
- Class C, drinking water supply

Class B uses are further subdivided into cold water aquatic life (CW), significant resource warm water (WW), limited resource warm water (LR), and lakes and wetlands (LW). In addition, there are designations for high quality and high quality resource waters (HR and HQR) for waters displaying exceptional water quality characteristics.

Waterbodies that do not meet the criteria for any of the Class A, B, or C uses are considered General Use waters (typically small streams with intermittent flow) and are protected for uses such as livestock and wildlife watering and non-contact recreation when sufficient flow exists to support those uses. Prior to 1990, Class B uses were divided into only two subclasses: coldwater and warmwater. The 1990 water quality standards revisions further divided the warmwater subclass into significant resource and limited resource waters and added a subclassification for lakes and wetlands.

Attached is a listing of the use classifications as found in the Commission's rules.

### **Determining a Waterbody's Appropriate Classification**

The State of Iowa has approximately 72,000 miles of perennial and intermittent streams and numerous lakes and wetlands which must be assessed to determine if the waterbody is presently supporting or is capable of supporting any of the uses associated with the various use classifications. The Department's present effort to assess all waters began in 1990 with the adoption of the present use classifications.

Assessing waters for Class A (primary body contact recreation) and Class C (drinking water supply) can often be done using existing information from various sources (e.g., list of public water supplies). Assessments for these uses are normally "desk top" assessments and rarely require site visits or extensive analysis.

Assessing waters for Class B uses (i.e., aquatic communities) is fundamentally more difficult and time consuming, especially for small to medium sized warmwater streams. Aquatic use classifications for the larger rivers can usually be done using existing information on fish populations and aquatic resources. Similarly, use assessments for coldwater streams (i.e., northeast Iowa trout streams) and lakes and wetlands (publicly owned lakes and wetland complexes) are relatively easy to conduct using existing information. The majority of work in conducting Class B use assessments involves the small to mid-sized warmwater streams. Seldom is there sufficient information available to determine if those waterbodies warrant a Significant Resource or Limited Resource use designation or are a General Use water. Since the chemical water quality needed to support the aquatic species associated with these classifications varies, stream use determinations for the small to mid-sized warmwater rivers and streams typically are of most interest to cities and industries that discharge to those streams.

In determining whether a warmwater stream is capable of supporting an aquatic population associated with Iowa's various warmwater aquatic use designations, the most significant factors are:

- **Habitat** - Habitat is normally the most important factor. Without proper habitat, the stream will not support a robust, diverse aquatic population even if sufficient quantities of good quality water are present. Meanders, pools and riffles, a diverse substrate (bottom material) and a good cover of riparian vegetation are positives; straight channels, little substrate diversity, and little riparian vegetation are negatives.
- **Flow characteristics** - Many of the smaller streams occasionally have no flow. These intermittent streams may have adequate habitat but cannot support aquatic populations during prolonged dry periods although some streams with deep pools may be able to sustain populations with zero or low flow.
- **Chemical water quality** - The aquatic community in a stream with good habitat may be impaired by poor chemical water quality. In Iowa streams, high levels of ammonia and low levels of dissolved oxygen are some of the more common chemical water quality problems impacting aquatic communities.

The methods used by the Department to assess warmwater streams evaluate these factors to determine if a stream or stream segment presently supports or is capable of supporting (with imposition of appropriate discharge controls) the aquatic populations indicative of a Significant Resource or Limited Resource warmwater stream or a General Use stream. The protocol used was developed by Department staff in 1990 and is based on rapid bioassessment protocols developed by the state of Ohio and the U.S. EPA.

The following steps are typically used in assessing small to mid-sized warmwater streams.

1. **In-office review** - Topographic maps and other relevant water quality information are reviewed for a stream, drainage areas determined, etc. prior to the field evaluation. Likely locations for stream sampling are determined and potential sources of water quality impacts such as point source discharges are identified. Priority is given to streams where discharge permit limits are needed for a facility. Low flow conditions must be present in the stream/basin to properly conduct the field evaluation.
2. **Field evaluation** - Teams of two to three EPD staff members conduct a field evaluation of the stream. After a general reconnaissance of the area, the habitat and aquatic populations are evaluated at various point along the stream. Evaluations normally proceed from upstream to downstream. Habitat evaluations are based on physical observations of the stream characteristics such as meanders and pools and riffles, substrate material, riparian vegetation, etc. The aquatic community is sampled where appropriate using seining or electro shocking techniques. Results of the habitat and aquatic species evaluation are noted on a field sheet developed by the Department. The scores obtained with the use of the field sheet are a relative measure of the biotic integrity of the stream and can range from a high of 52 to a low of 13.
3. **Preliminary use classification recommendation** - Based on the results of the field evaluation and other relevant factors, EPD staff recommend appropriate use classifications for specific stream segments. Department fisheries staff may be consulted, especially where collected data raise questions. Also determined are the upstream and downstream limits of a use classification. At some point, all warmwater streams become small enough to only warrant a General Use classification and this "dividing line" must be determined based on both objective and subjective factors. The recommendation for the aquatic use classification is not tied rigidly to the scores obtained on the field sheets but the scores do provide an overall picture of the relative chemical, physical and biological integrity of the stream. For instance, a habitat evaluation score of below 20 is an initial indication the stream segment evaluated should be a General Use stream as opposed to a Class B Limited Resource stream. A stream which has good habitat and aquatic populations but which may go dry occasionally may be recommended for a Class B(LR) designation with an appropriate protected flow. The protected flow (always greater than the 7Q10 flow) may be used for wasteload allocations instead of the 7Q10 normally used.
4. **Rulemaking** - Stream use classifications are published in the Iowa Administrative Code as Commission rules. Changes or additions to the stream use classifications must go through formal rulemaking procedures. The use classifications as recommended by EPD staff are normally submitted to the Commission as a proposed

Notice of Intended Action. Hearings are held in the appropriate geographical area to receive comments and a Responsiveness Summary is normally prepared to address comments received.

### Use Classifications for Iowa Waterbodies

| Use Classification  | Description   | * Significance to Dischargers  |
|---|---|--|
| <b>General Use</b>  | Intermittent watercourses and those watercourses which typically flow only for short periods of time following local precipitation or as a result of discharges from wastewater treatment facilities, and whose channels are normally above the water table. These waters do not support a viable aquatic community of significance during low flow and do not maintain pooled conditions during periods of no flow | "Lowest" classification, aquatic life during elevated flows protected from acutely toxic conditions, generally results in least stringent discharge permit limits. At a minimum, all state waters are considered General Use Waters. |
| <b>Class A, Primary Contact Recreation</b>  | Waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include swimming, diving, water skiing, and water contact recreational canoeing.   | Discharges from domestic wastewater treatment plants must be disinfected to eliminate human pathogens, disinfection agents such as chlorine may need to be removed to satisfy Class B water quality standards.                       |
| <b>Class B, Aquatic Use</b>   | Class B uses are subdivided into 4 subclasses representing the varying types of aquatic life communities found in Iowa waters   | Aquatic communities present in Class B waters are protected from acute and chronic toxicity.   |
| <ul style="list-style-type: none"> <li>• <b>B(CW) Coldwater</b></li> </ul>                      | Waters in which the temperature, flow, and other habitat characteristics are suitable for the maintenance of a wide variety of cold water species, including nonreproducing populations of trout and associated communities.  | Generally requires most stringent discharge controls, especially for ammonia and dissolved oxygen.   |
| <ul style="list-style-type: none"> <li>• <b>B(WW) Significant Resource Warmwater</b></li> </ul> | Waters in which temperature, flow and other habitat characteristics are suitable for the maintenance of a wide variety of reproducing populations of warm water fish and associated aquatic communities, including sensitive (pollution intollerant) species.   | "Highest" warmwater designation, generally requires stricter discharge limits than B(LR) waters to protect the diverse aquatic community.  |
| <ul style="list-style-type: none"> <li>• <b>B(LR) Limited Resource Warmwater</b></li> </ul>     | Waters in which flow or other physical characteristics limit the ability of the water body to maintain a balanced warmwater community. Such waters support only populations composed of species able to survive and reproduce in a wide range of physical and chemical conditions, and are not generally harvested for human consumption.   | Discharge permit limits may be less stringent than for B(WW) waters as the aquatic community present is more tolerant to pollution.  |
| <ul style="list-style-type: none"> <li>• <b>B(LW) Lakes and Wetlands</b></li> </ul>             | Artificial and natural impoundments with hydraulic retention times and other physical and chemical characteristics suitable to maintain a balanced community normally associated with lake-like conditions.   | Discharges to state-owned lakes and wetlands are generally prohibited. Discharge to other lakes and wetlands similar to B(WW).   |
| <b>Class HQ, High Quality</b>   | Waters with exceptionally better chemical water quality than Iowa's ambient water quality standards and with exceptional recreational and ecological importance.  | May require special considerations to preserve existing level of water quality.  |
| <b>Class HQR, High Quality Resource</b>   | Waters of substantial recreational or ecological significance which possess unusual, outstanding or unique physical, chemical, or biological characteristics which enhance the beneficial uses.   | Same as HQ waters.   |



|   |   |  |
|---|---|--|
| <b>Class C, Drinking Water Supplies</b> | Waters which are used as a source of potable water for public water supplies. | Waters must be protected from wide variety of synthetic and naturally occurring chemicals to protect human health. |
|---|---|--|

- \* Determining discharge permits limits is a complex process and depends upon many factors. All dischargers are required to provide a minimum level of treatment (technology based controls) regardless of the waterbody they discharge to. If a discharge reflecting technology-based controls would impair the use associated with a waterbody, more stringent controls (water quality based controls) may be needed and the use classification assigned to that waterbody has a significant impact in determining the degree of treatment required for that facility.

Brief discussion followed.

Gary Priebe asked if an Environmental Impact Statement is needed for this rule. He asked that staff use Winnebago Industries, for example, to determine what impact the rules would have on them.

Mr. Stokes indicated that staff could look at their permit and do an economic analysis.

*Motion was made by Gary Priebe to approve Notice of Intended--Chapter 61, Water Quality Standards - Stream Use Designations. Seconded by Michael Fesler. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## STATE REVOLVING FUND - INTENDED USE PLAN, FY 96

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

An Intended Use Plan for the FY 1996 State Revolving Fund will be recommended for approval. The Environmental Protection Commission was provided a proposed Intended Use Plan at its December meeting and a public hearing was authorized. The public meeting was held on January 25, 1996.

The IUP includes the State Project Priority List which is the list of projects proposed to received loan assistance in FY 1995. A copy of a notice is attached. EPA requires opportunity for public input on the IUP and Project Priority List. The notice and meeting allowed this input. A final IUP is now presented for commission adoption following consideration of comments and revisions to the proposed IUP. An application for the FY 1996 capitalization grant has already been submitted to EPA in order to get a commitment for funds now available.

While Congress has not appropriated all FY 1996 funds for this program yet, the department compiled the final IUP on the assumption that they will appropriate funds in addition to the past continuing resolutions. In order to be in a position to make loans when the funds are appropriated, the department prepared the IUP and the list of projects to be funded based on the

funding assumptions to be presented to the commission. Modifications to the list of projects in the Intended Use Plan may be necessary when the final appropriation is made by Congress, however, this can be done within the scope of this IUP without additional public input or Commission action.

(A copy of the IUP and State Project Priority List is on file in the department's Records Center)

Mr. Stokes reviewed the Intended Use Plan in detail.

Brief discussion followed.

*Motion was made by Michael Fesler to approve the State Revolving Fund - Intended Use Plan, FY 96. Seconded by Terrance Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **FINAL RULE--CHAPTER 61, WATER QUALITY STANDARDS - COE NATIONWIDE PERMITS FOR SINGLE FAMILY HOUSING**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval of the attached final rule is requested. The rule amendment grants Section 401 water quality certification for a new Corps Section 404 nationwide permit authorizing the construction of single family homes in jurisdictional waters. Section 401 water quality certification is a state water quality agency's certification that a proposed activity will not violate state water quality standards.

The nationwide permit in question became effective on September 25, 1995, subject to Section 401 certification by the individual states. The nationwide permit as published by the Corps authorizes the discharge of dredged or fill material into non-tidal waters of the United States, including non-tidal wetlands, for the construction or expansion of single family homes and attendant features (such as garages, storage sheds, and septic facilities). In general, the nationwide permit provides that construction can only impact ½ acre or less, practicable actions must be taken to minimize impacts, the home must be for a personal residence, and the nationwide permit can only be used once per parcel.

Notice of Intended Action was published on December 20, 1995 and written comments were accepted through January 20. No comments were received. The final rule differs from the proposed rule as published in the NOIA only in that the permit is referenced by the permit number (#29) instead of a description of the authorized activity. At the time the NOIA was published, the Corps had not yet assigned a permit number.

**ENVIRONMENTAL PROTECTION COMMISSION [567]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission amends Chapter 61, "Water Quality Standards," Iowa Administrative Code. The amendment provides water quality certification pursuant to Section 401 of the federal Clean Water Act (33 U.S.C. section 1341) for a nationwide Section 404 permit authorizing the construction of single family homes in jurisdictional waters.

Notice of Intended Action was published in the December 20, 1995 Iowa Administrative Bulletin as ARC 6119A. Written comments were accepted through January 20, 1996. No comments were received. The adopted amendment differs from the proposed amendment only in that the nationwide permit for single family homes is referenced by the Corps-assigned permit number, Nationwide Permit Number 29, instead of the verbal description contained in the Notice. At the time the Notice was published, the Corps of Engineers had not assigned a permit number for this nationwide permit.

This action does not modify existing, substantive water quality standards but does define the applicability of existing standards to the Corps nationwide permits.

This rule is intended to implement Iowa Code chapter 455B, Division III, Part 1 and will become effective on April 17, 1996.

The following amendment is adopted.

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Paragraph 61.2(2)"h" is amended to read as follows:

*h.* This policy shall be applied in conjunction with water quality certification review pursuant to Section 401 of the Act. In the event that activities are specifically exempted from flood plain development permits or any other permits issued by this department in 567--Chapters 70, 71, and 72, the activity will be considered consistent with this policy. Other activities not otherwise exempted will be subject to 567--Chapters 70, 71, and 72 and this policy. The repair and maintenance of a drainage district ditch as defined in 567--70.2 (455B, 481A) will not be considered a violation of the antidegradation policy for the purpose of implementing Title IV of these rules. United States Army Corps of Engineers (Corps) nationwide permits, 33 CFR 330, Numbers 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 25, 26, 27, 29, 32, 33, 34, 36, 37, 38, and 40 are certified pursuant to Section 401 of the Clean Water Act. Regional permit numbers 2, 7, 12, and 20 of the Rock Island District of the Corps are also certified. No specific Corps permit or 401 certification is required for activities covered by these permits unless required by the nationwide permit or the Corps, and the activities are allowed subject to the terms of the nationwide and regional permits.

Mr. Stokes briefly reviewed the rules.

Brief discussion followed regarding the permit procedure used prior to the Commission giving permission to go with the COE Nationwide permits.

*Motion was made by Kathryn Draeger to approve Final Rule--Chapter 61, Water Quality Standards - COE Nationwide Permits for Single Family Housing. Seconded by Gary Priebe. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**PROPOSED CONTESTED CASE DECISION--JERRY J. SMITH AND NORMA S. NELSON**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On October 11, 1994, the department issued Flood Plain Development Permit No. FP 94-223 to the Woodbury County Conservation Board. That action authorized streambank stabilization on its property adjacent to the Little Sioux River. That action was appealed by Jerry J. Smith and Norma S. Nelson, property owners on the other side of the river,, and the matter proceeded to administrative hearing on July 25, 1995. The Woodbury County Conservation Board intervened in the appeal. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on December 7, 1995. The decision affirms the permit approval.

Either party may appeal the Proposed Decision to the Commission. The appeal period has passed and there was no appeal to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case.

The Commission took no action; this has the effect of upholding the ALJ's decision in the absence of an appeal.

**ALJ DECISION UPHELD**

**APPEAL OF DECLARATORY RULING--DONALD E. GRELL**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

Don E. Grell, individually and d/b/a Dodger Enterprises, appeals the Department's refusal to issue a Declaratory Ruling pertaining to Iowa Code sections 455B.301(21) and 455D.11(2), specifically whether tires held for resale for certain purposes are a solid waste, and whether certain uses constitute land disposal of waste tires. The department refused to issue a declaratory ruling pursuant to Uniform Rule X.5(4), since the questions presented are also involved in a pending contested case and judicial proceeding.

The commission may:

1. Approve the director's decision, in which case it becomes the final decision of the department, or
2. Reverse or modify the decision and issue a final declaratory ruling of the department, or
3. Request additional information from the petitioner.

A copy of the petition, the November 21, 1995 ruling, and Mr. Grell's appeal have been provided to the Commission members. The Commission is requested to affirm the refusal to issue a Declaratory Ruling.

Mr. Murphy stated that the Department declined to rule on the grounds that, as identified in the petition, there is already an administrative contested case proceeding addressing similar issues as well as a court case involving similar issues. He noted that Mr. Grell appealed the decision not to rule and the staff urges the Commission to decline to issue a ruling.

### **Appointment - Ernie Kersten**

Ernie Kersten reviewed that in August he, along with Don Grell and Representative Mike McCormack, met with Larry Wilson, Don Paulin, Al Stokes and Mike Murphy in regard to what Mr. Grell was doing with processed tires. He related that the department's primary concern was whether Mr. Grell's use of the tires was for beneficial use or just a ruse to get rid of tires. He added that they left the meeting with the understanding he would notify the department what they were planning to do and the department would determine whether it was a disposal or a beneficial use and advise of same. Mr. Kersten stated that he and Mr. Grell set up a demonstration in October and Lavoy Haage and Bill Jinkinson attended. In October he asked the department whether or not it considers specific applications of processed tires as solid wastes, and if the materials are solid waste if using them in those applications constitutes land disposal of waste tires. Mr. Kersten noted that the department declined to rule based on an ongoing administrative proceeding and expanded on issues of that proceeding. He related that the court proceeding deals only with whether conduct by agents of the department constitutes civil wrongs. Mr. Kersten indicated that Mr. Grell cannot get the department to tell him whether or not his ideas for use of these materials constitutes violations of the solid waste laws.

Chairperson King asked Mr. Kersten if he is contending that these questions will not be answered under the pending litigation.

Mr. Kersten answered affirmatively.

Mr. Murphy disagreed, noting that the department has issued a number of approvals for specific uses which do not normally require a permit. The order issued under the contested case decision involved the whole tire trench, but the ALJ ruled that by the time it got to hearing it was "moot" because the department had subsequently approved that whole tire trench. Mr. Murphy noted that the only reason to go on and issue a ruling is to address the issues of whether the department's way of dealing with the situations that came up on a case-by-case basis was legal. He related that the ALJ has ruled on that and the Commission will have the opportunity to see that ruling which deals with some of the things Mr. Kersten is asking about. Mr. Murphy noted that it will come before the Commission next month and Mr. Kersten can appeal the ruling to the Commission.

Brief discussion followed regarding whether any studies have been done on use of tires and the waste issue.

Mr. Kersten stated that no evidence was offered by the department on anything other than on whole truck tires. He noted that he has a memo from Don Paulin stating the department has no restrictions on the use of shredded material of certain size on private property. He added that the contested case decision will not render moot the other questions on which he requested a declaratory ruling.

*Motion was made by Kathryn Draeger to affirm the department's refusal to issue a Declaratory Ruling at this time. Seconded by William Ehm. Chairperson King requested a roll call vote. "Aye" vote was cast by Commissioners Ehm, Fesler, Mohr, Murphy, Priebe, Draeger, and King. "Nay" vote was cast by Commissioner Townsend. Motion carried on a vote of 7-Aye to 1-Nay.*

**UPHELD DEPARTMENT'S REFUSAL TO ISSUE DECLARATORY  
RULING**

Commissioner Ehm stated that he feels the department should provide Mr. Grell some guidance or specific direction so he can use his product in a good fashion.

**REFERRALS TO THE ATTORNEY GENERAL (CONTINUED)**

**Ken Frese**

Mr. Murphy stated that staff are withdrawing this case as they have paid their penalty and should be resolved.

### **Union Pacific Railroad - Blue Chip Enterprises**

Mr. Murphy stated that staff are withdrawing this case as the department received a satisfactory response to the intended referral and staff will try to work it out with them.

### **LEGISLATION UPDATE**

Don Paulin, Deputy Director, presented the following item.

Mr. Paulin stated that the two department bills ( Low Level Compact and Toxics in Packaging) are moving well. The Low Level Compact bill is on the floor and the Toxics in Packaging is expected to come out in the next few days.

Mr. Paulin touched on the following bills that may be of interest to the Commission:

- 27 various livestock confinement bills
- several waste tire bills
- UST bills
- asbestos bill dealing with training of workers
- several bills dealing with storm water permits
- two septic tank system bills
- bill requiring Director to inform EPC on cost for adoption of rules
- bill dealing with all departments keeping records of complaints on rules
- bill to establish motor vehicle pollution prevention program
- bill dealing with all departments to establish a schedule for approving a completed application for a permit
- two takings bills
- a bill to allow manufacture of CFC's for air conditioners owned and operated prior to 1/1/96
- two bills regarding environmental education
- an environmental audit bill

Brief discussion followed.

|                           |
|---------------------------|
| <b>INFORMATIONAL ONLY</b> |
|---------------------------|

### **GENERAL DISCUSSION**

Discussion took place on the status of the Monroe County case and also the status of HF-519 rules.

Kathryn Draeger noted that last month she asked for a map showing the location of LAFA grant recipients in relation to which counties have not met the waste reduction goals.

Director Wilson stated that the EPC meetings were erroneously listed as being held on Tuesday in the SigNature newsletter and related that corrections will be made in the next issue.

Director Wilson stated that he received a letter from the Scott Area Solid Waste Management Commission and the Cities of Davenport and Bettendorf inviting the Commission to an Open House at the Scott Area Recycling Center.

### **NEXT MEETING DATES**

Director Wilson suggested touring the Maytag Company in Newton and Monroe Company in Colfax, in conjunction with a future meeting.

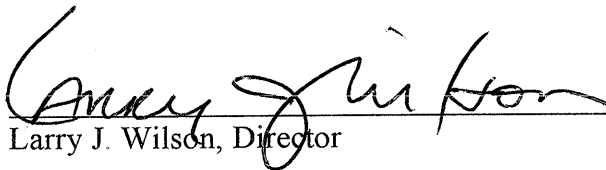
March 18, 1996

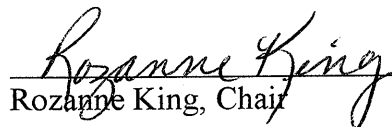
April 15, 1996


May 20, 1996

### **ADJOURNMENT**

With no further business to come before the Environmental Protection Commission, Chairperson King adjourned the meeting at 4:40 p.m., Monday, February 19, 1996.

  
Larry J. Wilson, Director

  
Rozanne King, Chair

  
Charlotte Mohr, Secretary



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